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THE

CONSOLIDATED GENERAL ORDERS

OF THE

High Court of Chancery.

WITH

REGULATIONS

AS TO CERTAIN FEES AND CHARGES.

8°
LONDON:
V. & R. STEVENS AND G. S. NORTON,
Law Booksellers and Publishers,
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I hereby appoint MESSRS. STEVENS & NORTON, *of Bell Yard, Lincoln's Inn, to print and publish these Orders.*

CAMPBELL, C.

December 21*st*, 1859.

Rec. Dec. 3, 1872

REPORT

OF THE

CONSOLIDATORS OF THE CHANCERY ORDERS,

TO THE

RIGHT HONORABLE THE LORD CHELMSFORD, LORD HIGH CHANCELLOR.

My Lord,

Having now completed the work of consolidating the General Orders of the Court of Chancery, which was entrusted to us by your Lordship, we beg to make some observations thereon, by way of Report.

The instructions which, by your Lordship's direction, were given us by Mr. John James Johnson, the Solicitor to the Suitors' Fund, were thus expressed: "To consolidate all the Orders contained in the collection of Orders by G. W. Sanders, Esq., published by Maxwell & Son, in the year 1845, which relate to general practice, and the Orders of the Court subsequent thereto relating to general practice; so that all such Orders as have become superseded, or have become obsolete as Orders, though they may have been the foundation of existing practice, and all such Orders as are expressly or virtually abrogated by other Orders, or by statutes, or by decisions which appear to have established a practice more expedient than that which the Orders repugnant to them enjoin, be omitted; and so that the remainder, except where their style is very antiquated, be not further altered in language than shall be deemed necessary for the purpose of

consolidating the same, and of adapting them to the present practice, so as to form a harmonious and well-arranged collection, and for the purpose of determining the most expedient practice, where there is a conflict of authority on the words of an Order."

During the progress of the work, an opinion was expressed by one or two of the officers of the Court, that a more extended plan should be at once adopted; and we have been strongly urged to apply to your Lordship for an extension of the powers conferred by the above instructions. We have declined, however, to make such an application, for the reasons (amongst others) expressed in the following remarks:—

The procedure of the Court of Chancery (as it is well known) is regulated in various distinct ways:—1st. By Act of Parliament. 2ndly. By General Orders made by the Lord Chancellor, either alone, or by and with the advice and assistance of the other Equity Judges, or some of them. 3rdly. By Regulations not purporting to be General Orders. 4thly. By Decisions. 5thly. By Usage.

These various modes are not the result of accident or caprice, but (in our humble opinion) of practical convenience and sound discrimination, on the part of those who from time to time have allowed the practice of the Court to be so directed. And although it would be a more simple, and, to some, it might appear to be a more perfect system, to fuse Statutory Enactments, General Orders, and mere Regulations into one code of rules, of one and the same character, yet we think that, in reality, such a course would be very objectionable.

We apprehend that it has been the wisdom of the Legislature, and of the Court of Chancery, to preserve these different modes of governance or direction quite distinct. Although there are many exceptions and anomalies, yet, in the main, the following distinctions may be laid down:—1st. There are some principal points of procedure which have been considered to be of such a character, that it is desirable that they should not be subjected to abrogation or alteration, except by the Legislature itself; and they have accordingly been embodied in the form of Enactments.

2ndly. There are others, as to which it has been considered to be desirable that they should be revocable or alterable by the Lord Chancellor alone, or with the advice and assistance of the other Equity Judges or some of them; and those have accordingly been embodied in the form of General Orders. 3rdly. There are others which are deemed to be more properly the subject of mere Regulations, as consisting of matter relating to the routine of particular offices, or matters of detail or of experiment, so as to render it inexpedient to embody them in the permanent and formal shape of General Orders. 4thly. There are other points of infinite variety which are, and ever must be, decided *pro re nata*. And, 5thly. There are others which are suggested by convenience, and become sanctioned by mere usage.

It has been urged with great plausibility, that at all events the Enactments on the subject and the Orders ought to be consolidated into one code of Enactments or of Orders. And indeed we fully admit that this would be a great convenience to the Judges, to the Officers of the Court, and to Practitioners. But the convenience of these several persons ought to be only subordinate to the public advantage. And we conceive that it would have been a great mistake, on the whole, to have consolidated Enactments and Orders into one code of rules of the same character, whether exclusively as Enactments or exclusively as Orders. It is not at all likely that the Legislature would consent to place those important rules of practice which it has thought fit to make the subject of Enactments, within the power of the Equity Judges, or some of them, to be rescinded or altered at pleasure, by reducing them to the character of Orders. And, on the other hand, it would seem to be most inexpedient to take the opposite course of embodying all the Orders into an Act of Parliament: for, the difficulty of obtaining an alteration or improvement of the law, when once it has been incorporated into an Act, is well known. And if so incorporated, it would not be in the power of the Judges to make those exceptions and qualifications in particular cases, which they have the power to make in the case of mere Orders. This is the dilemma

which is involved in the proposition to effect such a consolidation as above suggested. Even if it were proposed to embody all rules of practice into an Act of Parliament, but with the provision that they should be deemed Orders of the Court of Chancery to all intents and purposes; still, they would be either revocable and alterable as Orders, or they would not. If it were proposed that they should be so inserted in the draft of an Act, and be revocable and alterable as Orders, the Legislature would not be at all likely to consent, nor does it seem proper that the Legislature should consent, to place them on this footing; and indeed, in that case it would be useless to insert them in an Act. And if it were proposed that they should not be so revocable and alterable as Orders, this, for the reasons above assigned, would be highly inexpedient. A striking illustration of these remarks occurs in *Calvert* v. *Gandy*, 1 Phil. 518; and *Medhurst* v. *Allison*, 4 Hare, 479.

Again, it has been pressed upon us, that it would be very desirable to embrace the present opportunity of making a great number of additions and of improvements of the practice. But he who supposes that any considerable additions and improvements could be effected at once and with little more delay than consolidation, is but little acquainted with the difficulty and delay with which *any* new Orders are agreed upon and settled, when there are seven Equity Judges, and a great number of Officers of the Court whose opinion it is usual and only prudent to take. And however desirable such additions and improvements may be, they will be made to far greater advantage after the present consolidation, than as part of the consolidation in the first instance. If extensive additions and alterations were now made, they would probably be quickly followed by other extensive changes; so that the practice would be likely to be very greatly unsettled twice within a short period, instead of being, in the main, placed on a different footing once for all—so far at least as any measure of the kind can be final. It would seem to be the best course first to lay a foundation, by giving the profession a clear view of the practice as it stands, so far as it is regulated

by the Orders. Instead of attempting to patch and repair and make some little additions, before they had ascertained the state of the building, they will now know upon what they have to proceed; what exists, and what does not exist; what is the real character and state of the building sought to be enlarged and improved. Suggestions might advantageously be invited from all quarters, to be sent in within a specified time, to the Solicitor of the Suitors' Fund, or some other person appointed to receive them, for the perfecting of the edifice, now that it is cleared from all the rubbish of former ages; and, as the result of those suggestions, after an adequate interval, a more complete structure could be reared. And in the meantime, supposing your Lordship's design, whether regarded as final or as only preparatory, to be successfully accomplished, *a great and unmixed good will have been effected, by bringing order out of confusion, and harmony out of discord, and by separating those Orders which are subsisting from a mass of others which have become defunct.*

However expedient it may be that a far more extended codification should be effected, yet it would seem clear that it would have been very inexpedient to allow the General Orders of the Court to remain in their present state during that indefinite, and, probably, long period which would elapse before such more extended codification would be accomplished.

Few can have a just notion of the complexity, discrepancy, repugnancy, and confusion of this, the principal written law of the Court, or of the care, consideration, and labour requisite for that which has been described to us by some persons, and may appear to many, to be a simple matter.

In the majority of cases, until of late years, each succeeding Chancellor put forth such Orders as he deemed expedient, without taking any notice whatever of the acts of his predecessors, which, indeed, were often unknown to him, as no care was taken as to the preservation of many of the early Orders, and there was no complete collection published. (*See* Prefaces to Beames' and Sanders' Orders.) The General Orders in the Collection by Mr.

Sanders (to whose research the profession are so much indebted), and those which have been subsequently promulgated, are not only very numerous, but some are contained in Private Orders, and they extend over a period of nearly 500 years commencing with the reign of Richard II. The largest portion are not in force. A great number of them have been expressly abrogated by other Orders: but many have been only virtually repealed or superseded; some by statutes, others by subsequent Orders, others by a train of decisions, others by disuse or contrary usage. And there are instances of an Order having from time to time been silently and partially abrogated, leaving some small portion of it still subsisting.

These considerations appear to prove the utility of your Lordship's design, and the propriety of the limited nature of the authority conferred upon us.

As the business in the Masters' Offices will ere long be wound up, and as the Orders relating to the Suitors' Fund and Suitors' Fee Fund, which are very numerous, do not affect general practice, we have not incorporated the Orders connected with these subjects, but have simply left them unabrogated.

We have adapted to the practice in Chambers some of the Orders relating to the business in the Masters' Offices. But there are others which we have omitted, as unnecessary or improper, in the case of a Judge, and of his Chief Clerk acting under him, although they were necessary in the case of a Master. And all danger which might otherwise have arisen from the omission of any of those Orders is prevented by the 58th Order of October 16, 1852, which we have incorporated. (See p. 116)

As alterations in regard to fees and charges are so frequent, we have given the Schedules and some parts of the Orders relating to them in a separate form, as Regulations, and have provided that they may be altered from time to time by other Regulations made by the same authority as the General Orders. This will save the present Consolidated Orders from being continually subjected to alteration in this respect, and yet give the profession

the same security, as to fees and charges, as if they were in all respects regulated by General Orders. Those points, however, as to fees and charges, which are likely to be permanent, we have embodied in the Consolidated Orders.

We have omitted the Forms of Orders in Suits by Claim contained in Schedule (C.) to the General Orders of 22nd April 1850, as those forms are obsolete, and orders in Suits by Claim are now framed in the same manner as orders in Suits by Bill.

With respect to the Orders of 4th March 1856, made under the Act for the Drainage of Settled Estates, we have been informed that they have been almost a dead letter. And as it appears to us to be impossible to reduce them to a shape conformable to the modern practice, without repealing some of the provisions of that Act, we have not incorporated them, but have simply left them unabrogated.

With books of practice which show in what way the Orders have been construed by the Court, it did not seem necessary to incorporate the effect of explanatory decisions. Nor did such an attempt seem expedient; as the very language used to give the effect of decisions would probably have itself formed the subject of fresh doubt and decision. This point was considered by your Lordship before our instructions were given to us.

In the additions and alterations we have made, we have in some few exceptional cases gone somewhat beyond our instructions, but only in those cases in which we thought there could be no two opinions as to the propriety of so doing, and in which we consequently felt sure your Lordship would desire it. Some of these additions and alterations were designed to correct some unquestionable slips, ambiguities, discrepancies, and inaccuracies; and others to remove a danger of the present practice being disturbed or doubted, in consequence of the defective language of an Order as it stood.

Some few rules introduce new practice, and are submitted to your Lordship for consideration. To most (if not to all) of

the rules in which the practice is changed, an asterisk is prefixed.*

We believe that the present Collection of Orders contains none but those which are subsisting, and all such as are subsisting; with the exception of those which are excepted from the operation of the first Rule of the Preliminary Order; and with the exception of a very few which we deemed it safer not to retain; all possibility of danger from their omission being obviated by the 5th Rule of the Preliminary Order; and with the exception also of some few which are repugnant in terms or intention to other Orders or to Enactments, or which are now improper in consequence of other Orders or Enactments.

As regards the 5th Rule of the Preliminary Order, there are some cases in which the practice, originating in certain Orders, or sanctioned to some extent by them, has been so altered or qualified by enactment, decision, or usage, that they have become superseded or obsolete as Orders. These we have been instructed to omit, and we have generally omitted them. But with the view of guarding against any contention that the abrogation of them affected the existing practice, and with the further view of guarding against the consequences of the possible omission of an Order by accident or inadvertency, the 5th

* In the directory part of many of the abrogated Orders, incorporated in this Collection, such colloquial expressions as "is to" &c. or "are to" &c. were used, while in many others "shall" &c. was used. In this collection of Orders, "shall" &c. is used throughout, for the sake of uniformity, without any variation of intention. Again, in the introductory part of the incorporated Orders, in some instances, the expression "in all cases where" or "where" was used, and in other instances "if" was used; and sometimes "if" was followed by the indicative mood, and at other times by the subjunctive; and sometimes by the present tense of the indicative mood, at other times by the past tense, at other times by the first future, and at other times by the second future. An attempt to produce complete uniformity would have involved much alteration, without any practical utility; but for the sake of a somewhat greater degree of harmony, and to avoid the question about the subjunctive mood, "where," followed by the present tense, has generally been substituted for "if" in this Consolidation. And some other slight alterations have been made with a similar object.

Rule of the Preliminary Order was framed. A precedent for this occurs in the Irish Orders consolidated by Lord St. Leonards, when Lord Chancellor of Ireland; the first Order of which provides, "that the abrogation of any existing Rule shall not be deemed to alter or affect the established practice of the Court originating therefrom, except so far as the same may be inconsistent with any of those General Orders."

As regards the 7th and 8th Rules of the Preliminary Order, it must be observed, that the following Orders (except so far as any of them introduce new practice) are not intended to be regarded as new Orders, but as a consolidation of old Orders. And although the appearance would have been better, if some of the incorporated Orders had been entirely re-written, and it would have been more easy to have done so than to have decided in what way partially to alter the language of them (as we have in many instances done) without altering them further than necessary, yet they would then have been the subject of new constructive interpretation to a much greater extent. And even if, in their present consolidated state, they had been put forth as a body of new Orders, the door would have been thrown open to contention as to the construction of them, upon points which have been set at rest by the course of decisions and practice on the old Orders. To preclude this danger of awakening fresh litigation, the 7th and 8th Rules of the Preliminary Order were framed. A precedent for the 7th Rule occurs in the consolidated Irish Orders; the first of which provides "that all former Orders which are hereinafter simply repeated shall continue to operate as if they had not been disturbed."

With respect to the arrangement of the Orders, we deemed it best not to lay down any plan at the commencement, and then endeavour to arrange them according to that plan, but to take the opposite course of determining the plan partly by the subject matter, number, and mutual connexion of the Orders which we might find to be subsisting, so far as any such connexion existed, and partly by considerations of present practical convenience

and the possibility of additions being made at a future time. If the first course had been adopted, there would have been titles without any Orders to place under them; some single Orders must have been multiplied into several; and the connexion at present existing between certain Orders must have been severed, which would have induced the necessity for a greater alteration of the language.

Instead of denominating each distinct paragraph or direction a distinct Order, such paragraphs or directions are classified into a certain number of subjects; and to each of those subjects is given the designation of an Order; and the component paragraphs or directions of each Order are designated by the name of Rules.* This division and subdivision appeared to us to be desirable for three reasons: First, because we think such an arrangement would greatly aid the memory; for in a short time the practitioner would easily remember the titles and numbers of the different subjects constituting the different Orders; such Orders being few as compared with the Orders of which the consolidation would have consisted, if each paragraph had been denominated an Order, and had been numbered accordingly. Secondly, because if our arrangement should be adopted, then in the event of a fresh issue of the Consolidated Orders at any future time, the numbers of the Orders with which the practitioner would have become familiar, might probably remain the same, and the numbers of the Rules alone be changed (if deemed desirable) on the addition of new matter, instead of the memory of the practitioner being charged with an entirely new set of numbers. And thirdly, if there were consecutive numbers throughout, references in Reports and text-books to those numbers would have afforded no guide

* Some of the Orders are divided into Sections; but, for the sake of simplicity of reference, the numbers of the Rules run on, as if no such division existed. So that it will not be necessary to mention the sectional division of an Order, where any exists. Any rule of the Consolidated Orders may be conveniently cited in Court thus—"the 10th of the Consolidated Orders, rule 11," or in a book thus—10th Cons. Ord. r. 11.

to the same matter contained in any new issue of the Orders differently numbered.

The Consolidated Orders comprise about six hundred Rules, representing about the same number of abrogated Orders incorporated therein. But of course we have nothing to shew, in the following pages, for the amount of time and thought bestowed on the consideration of the mass of abrogated Orders which we have altogether omitted, as superseded, obsolete, repugnant, or defunct.

It may be a satisfaction to your Lordship to know, that instead of dividing the labour between us, as regards the selection of the Orders to be omitted and the Orders to be retained, we first made the selection independently of each other, and then compared and considered the results at which we respectively arrived. By adopting this plan, of course there was a much less chance of accident or inadvertency, than there would have been if we had attempted to allot a distinct portion of the Orders to each. And, by your Lordship's direction, and at our own desire, in order to insure the greater accuracy, before submitting the Orders to the Judges themselves, printed copies have been sent by Mr. Johnson to the Accountant-General, to the Examiners, to the Registrars, to the Taxing Masters, to the Clerk of the Inrolments in Chancery, to the Chief Clerks of the Judges, and to the Clerks of Records and Writs: and we beg to express our obligations to these gentlemen for many valuable remarks, and particularly to Mr. Leach, one of the Registrars, who kindly perused the proof sheets before the printed copies were sent to the other officers of the Court, and with whom we have been in frequent communication on the subject, whilst the orders have been under revision.

There are many things connected with this Consolidation which may be likely to appear to some persons to be errors or oversights, but which have been fully considered by us, and are conceived by us to be founded on good reasons; although it would have occupied far too much space to have set forth those reasons in this Report.

From the character of some of these points, which are subjects of doubtful disputation and a nice discretion, a difference of opinion would naturally exist, even after the fullest consideration; and from the very nature of the undertaking, notwithstanding the care bestowed upon it, we can scarcely hope that this Consolidation is free from all inadvertency or imperfection. But, on the whole, we trust that it will be found substantially to accomplish your Lordship's design; and that the profession in general will see the great propriety and utility of that design, and will not regard the manner in which it has been executed in an unfavourable light.

We have the honor to be, my Lord,

Your Lordship's obedient, humble servants,

JOSIAH W. SMITH, B.C.L., Barrister-at-Law.

H. CADMAN JONES, M.A., Barrister-at-Law.

Lincoln's Inn, April 16, 1859.

THE RIGHT HONORABLE

THE LORD CHANCELLOR.

REPORT

OF THE

CONSOLIDATORS OF THE CHANCERY ORDERS,

TO THE

RIGHT HONORABLE THE LORD CAMPBELL,
LORD HIGH CHANCELLOR.

My Lord,

Your Lordship, immediately after accepting the Great Seal, having commended to the attention of the other Equity Judges, the proposed Consolidated General Orders of the Court of Chancery, which had been submitted to them by Lord Chelmsford, and some of the Judges having, in the course of the Long Vacation, made a number of valuable observations thereon, we have, by your Lordship's desire expressed to us at the commencement of the past term, carefully considered those observations, and conferred with the distinguished persons with whose remarks we have been favoured, and with some of the Officers of the Court, respecting them; and in consequence thereof, we have made a few alterations and additions in the proposed Orders. Certain points, however, remain for the consideration of your Lordship and the other Equity Judges, at the meeting which your Lordship informed us it was your intention to convene, and which we have been summoned to attend.* When these are

* At this meeting, which took place on the 1st of December, and at which the Lord Chancellor and all the other Equity Judges were present, it was determined that Claims should be abolished, on the ground, that although they were very useful at

disposed of, we hope to be in a condition finally and at once to revise the print of the proposed Orders, and to submit the same for your Lordship's signature.

It will be gratifying to your Lordship, as well as to Lord Chelmsford, to know, that some persons, well acquainted with the subject, who, before they had perused these Orders, thought little of the utility of the design, have, since they have examined them, been fully impressed with the propriety and advantage of such a Consolidation as that which we were instructed to effect, and which has been so zealously furthered by your Lordship.

We have the honor to be,

My Lord,

Your Lordship's obedient, humble servants,

JOSIAH W. SMITH, B.C.L. Barrister-at-Law.

H. CADMAN JONES, M.A. Barrister-at-Law.

Lincoln's Inn, November 30th, 1859.

THE RIGHT HONORABLE

THE LORD CHANCELLOR.

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the time they were introduced, yet, in consequence of the change of practice in other respects (such as the dispensing with answers in so many cases, and the proceeding by way of motion for a decree,) it is no longer necessary or desirable to resort to the proceeding by Claim; and that the number of Claims filed, has year by year been decreasing, and is now very small indeed. At the same meeting some few other Orders and parts of Orders were also omitted as unnecessary.

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OF

ABROGATED ORDERS,

Incorporated

IN THE

CONSOLIDATED GENERAL ORDERS.*

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Henry V.			Order 17	Order VIII. Rule 1	36
1556	Nov.	12		— IX. — 6	37
1574	Dec.	25		— I. — 42	20
1596	June	23		— XXXVI. — 2	117
1618—19	Jan.	29	— 1	— XXXI. — 9	96
——	—	29	— 1	— XXXI. — 10	96
——	—	29	— 1	— XXXI. — 11	96
——	—	29	— 3	— XXXI. — 14	97
——	—	29	— 4	— XXXI. — 14	97
——	—	29	— 13	— XXXI. — 9	96
——	—	29	— 15	— IX. — 1	36
——	—	29	— 58	— XIV. — 2	52
——	—	29	— 59	— XIV. — 4	52
——	—	29	— 62	— XVI. — 7	57
——	—	29	— 64	— XIX. — 2	62
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——	—	29	— 73	— IX. — 6	37
——	—	29	— 77	— XLII. — 2	150
——	—	29	— 86	— XLII. — 1	150
1621—22	Feb.	18	—	— XXI. — 3	65

* It will be seen from the title of this List, that it does not include the mass of Abrogated Orders not incorporated in the Consolidated Orders, but *intentionally omitted* according to the instructions. Neither does it include certain Orders which are not abrogated or incorporated in the Consolidated Orders, but are *simply left unaffected*, as mentioned in the 1st Rule of the Preliminary Order. Nor does it include certain other Orders relating to fees and charges for copies, which are abrogated, and incorporated in the *Regulations* subjoined to the Consolidated Orders.

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.	Consolidated Orders in which Abrogated Orders are incorporated.	Pages of Consolidated Orders.
1622	Oct.		Order 2	Ord. XXXVI. Rule 2	117
1623	May	28	—	— XXI. — 3	65
1626	June	30	—	— XXI. — 3	65
1640	Dec.	31	—	— XV. — 6	56
1646—47	Hil. Term.		— 2	— XXI. — 3	65
1647	Apr.	26	—	— XXIII. — 23	81
1656	Oct.	9	—	— IV.	27
1658	June	25	—	— XXI. — 3	65
1660	Nov.	15	—	— I. — *36	18
1660	Nov.	15	—	— XVIII. — 5	61
1661	May	22	Sand. 296*	— VIII. — 2	36
—	—	22	— 297	— I. — 45	20
—	—	22	— 297	— VIII. — 3	36
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—	—	22	— 300	— XIX. — 2	62
—	—	22	— 300	— XL. — 13	130
—	—	22	— 304	— XIX. — 5	62
—	—	22	— 306	— XXX. — 1	93
—	—	22	— 308	— XXIX. — 4	90
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—	—	22	— 310	— IV.	27
—	—	22	— 312	— VII. — 9	35
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1666	July	18	Order	— I. — *36	18
1667—8	Hil. Term.		— 7	— XXXVI. — 2	117
1670	Nov.	9	—	— IX. — 7	38
1673	May	8	— 4	— VIII. — 3	36
—	—	8	— 8	— XXI. — 3	65
1674	July	22	—	— XLII. — 12	152
—	Nov.	4	—	— XXX. — 2	93
1676	Apr.	10	—	— XIX. — 14	64
—	July	3	—	— I. — 41	19
1685	July	13	—	— III. — 11	27
—	—	13	—	— XXX. — 2	93
—	May	12	—	— XXXI. — 2	95
—	—	26	—	— XV. — 6	56
1686	June	9	—	— I. — 41	19
1687	May	27	—	— XXIII. — 23	81
1688	July	4	—	— VII. — 8	35
1689	Oct.	23	—	— XXXI. — 6	95
1694	June	12	—	— XXX. — 2	93

* The Order of 22nd May, 1661, being very long, and not divided by numerals, the references are given to the pages of Sanders' Orders in which it is printed.

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.		Consolidated Orders in which Abrogated Orders are incorporated.			Pages of Consolidated Orders.
1697—98	Mar.	19	Order		Order	III.	Rule 11	27
1699	Oct.	25	—		—	VII.	— 4	34
1700—1	Mar.	12	—		—	XXXI.	— 12	97
1741	Oct.	17	—		—	XXXI.	— 10	96
—	—	17	—		—	XXXI.	— 11	96
—	—	17	—		—	XXXI.	— 13	97
1748	Apr.	27	—		—	XIV.	— 3	52
—	—	27	—		—	XV.	— 5	56
1794	Feb.	7	—		—	XXXI.	— 4	95
1796	Apr.	23	—		—	XXIV.	— 2	84
1807	Feb.	16	—		—	I.	— *1	7
1814	Dec.	13	—		—	XXXIII.	— 1	99
1815	Jan.	18	—		—	XXI.	— 11	68
1818	Aug.	5	—		—	XL.	— 23	132
1828	Apr.	3	—	24	—	XII.	— 7	49
—	—	3	—	27	—	XL.	— 12	130
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—	—	3	—	29	—	XL.	— 7	128
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—	—	3	—	32	—	XIV.	— 12	53
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—	—	3	—	53	—	XXXV.	— 10	105
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—	—	3	—	73	—	XXXV.	— 60	116
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—	—	3	—	76	—	XL.	— 39	137
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—	July	4	—		—	XXXIV.	— 3	102
1831	Nov.	23	—		—	XL.	— 39	137
—	Aug.	3	—		—	XXXI.	— 7	96
—	Nov.	23	—	24	—	XII.	— 7	49
—	—	23	—	76	—	XXXV.	— 17	107
—	—	23	—	82	—	XXI.	— 4	66
1833	Dec.	21	—	2	—	XXVIII.	— 1	87
—	—	21	—	3	—	XXVIII.	— 1	87
—	—	21	—	4	—	XXVIII.	— 6	88
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1833	Dec.	21	Order 6	Order XXVIII. Rule 4	88
—	—	21	— 27	— I. — 17	13
—	—	21	— 27	— XXIII. — 2	74
—	—	21	— 27	— XXIII. — 23	81
—	—	21	— 28	— XXIII. — 3	75
—	—	21	— 28	— XXIII. — 4	75
—	—	21	— 28	— XXIII. — 5	76
—	—	21	— 28	— XXIII. — 6	76
—	—	21	— 29	— XXIII. — 17	79
—	—	21	— 30	— I. — 18	13
—	—	21	— 30	— I. — 19	14
—	—	21	— 30	— I. — 44	20
—	—	21	— 30	— I. — 46	20
—	—	21	— 30	— I. — 47	21
—	—	21	— 33	— IV. —	27
1835	Jan.	29	—	— XXI. — 13	68
1837	May	5	— 1	— VI. — 1	30
—	—	5	— 2	— VI. — 2	30
—	—	5	— 4	— VI. — 3	30
—	—	5	— 5	— XIV. — 10	53
—	—	5	— 6	— VI. — 4	30
—	—	5	— 9	— VI. — 5	31
—	—	5	— 12	— VI. — 5	31
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—	—	10	— 3	— XXIX. — 8	91
—	—	10	— 4	— XXIX. — 9	91
—	—	10	— 5	— XXIX. — 10	91
—	Dec.	7	—	— XXIII. — 4	75
1841	Apr.	3	—	— XXVI. — 1	85
—	—	3	—	— XXVI. — 2	85
—	Aug.	26	— 6	— XXX. — 5	94
—	—	26	— 7	— X. — 10	44
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—	—	26	— 23	— X. — 11	44
—	—	26	— 24	— X. — 12	44
—	—	26	— 25	— X. — 13	45
—	—	26	— 26	— X. — 14	45
—	—	26	— 27	— X. — 15	45
—	—	26	— 29	— XL. — 16	131
—	—	26	— 31	— VII. — 1	33
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Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.		Consolidated Orders in which Abrogated Orders are incorporated.			Pages of Consolidated Orders.
1841	Aug.	26	Order	37	Order	XIV.	Rule 9	53
—	—	26	—	38	—	XV.	— 4	55
—	—	26	—	40	—	XXIII.	— 11	78
—	—	26	—	42	—	XIX.	— 6	63
—	—	26	—	44	—	XXIII.	— 12	79
—	—	26	—	45	—	XXIII.	— 14	79
—	—	26	—	46	—	XLII.	— 10	151
—	—	26	—	47	—	XL.	— 24	132
—	—	26	—	49	—	XXXII.	— 3	98
—	—	26	—	50	—	XXXI.	— 3	95
—	Nov.	11	—	2	—	VI.	— 2	30
—	—	11	—	5	—	VI.	— 5	31
—	—	11	—	6	—	VI.	— 6	31
—	—	11	—	7	—	VI.	— 8	32
—	—	17	—	1	—	XXVII.	— 1	86
—	—	17	—	2	—	XXVII.	— 2	86
—	—	17	—	3	—	XXVII.	— 3	87
—	—	17	—	4	—	XXVII.	— 4	87
—	Dec.	10			—	XXVII.	— 2	86
1842	April	11	—	3	—	III.	— 8	26
—	—	11	—	6	—	XXX.	— 4	94
—	—	11	—	6	—	XL.	— 24	132
—	—	11	—	11	—	XXIX.	— 3	89
—	—	11	—	12	—	XXIII.	— 10	78
—	Aug.	5			—	VI.	— 11	32
—	Oct.	26	—	1	—	I.	— 40	19
—	—	26	—	3	—	I.	— 35	17
—	—	26	—	4	—	I.	— 37	18
—	—	26	—	5	—	XVI.	— 3	56
—	—	26	—	6	—	I.	— 38	19
—	—	26	—	7	—	I.	— 39	19
—	—	26	—	7	—	XV.	— 6	56
—	—	26	—	8	—	I.	— 43	20
—	—	26	—	9	—	XL.	— 1	127
—	—	26	—	10	—	XL.	— 2	127
—	—	26	—	12	—	XL.	— 25	133
—	—	26	—	13	—	XL.	— 26	133
—	—	26	—	14	—	XL.	— 27	133
—	—	26	—	15	—	XL.	— 3	128
—	—	26	—	16	—	III.	— 1	24
—	—	26	—	17	—	III.	— 2	24
—	—	26	—	18	—	III.	— 3	25
—	—	26	—	19	—	III.	— 4	25
—	—	26	—	20	—	III.	— 5	25
—	—	26	—	21	—	III.	— 6	26
—	—	26	—	23	—	III.	— 9	27
—	—	26	—	24	—	XVI.	— 3	56
—	—	26	—	25	—	III.	— 10	27
—	—	26	—	26	—	XIX.	— 7	63
—	—	26	—	28	—	XL.	— 4	128
—	—	26	—	30	—	I.	— 52	21
1843	Mar.	17			—	XXIII.	— 24	81
1844	Dec.	6			—	XII.	— 5	49

Dates of Orders Incorporated.			Number of such of the Orders Incorporated as are divided and numbered.	Consolidated Orders in which Abrogated Orders are incorporated.	Pages of Consolidated Orders.
1845	May	8	Order 5	Order V. Rule 1	28
—	—	8	— 6	— V. — 2	28
—	—	8	— 7	— V. — 3	28
—	—	8	— 8	— V. — 4	28
—	—	8	— 9	— V. — 5	29
—	—	8	— 10	— V. — 6	29
—	—	8	— 11	— XXXVII. — 9	121
—	—	8	— 12	— XXXVII. — 10	122
—	—	8	— 13	— XXXVII. — 12	122
—	—	8	— 14	— XXXVII. — 13	122
—	—	8	— 15	— XXXVII. — 14	122
—	—	8	— 16	— XXXVII. — 1	120
—	—	8	Order 16, Art. 1	— XXVIII. — 9	88
—	—	8	— 16, — 2	— X. — 17	46
—	—	8	— 16, — 3	— X. — 3	41
—	—	8	— 16, — 5	— X. — 16	45
—	—	8	— 16, — 10	— XXXVII. — 3	120
—	—	8	— 16, — 15	— XXXVII. — *6	120
—	—	8	— 16, — 17	— XIV. — 14	54
—	—	8	— 16, — 18	— XIV. — 15	54
—	—	8	— 16, — 19	— XIV. — 17	54
—	—	8	— 16, — 21	— XLII. — 6	151
—	—	8	— 16, — 32	— IX. — 10	38
—	—	8	— 16, — 33	— IX. — 11	38
—	—	8	— 16, — 34	— XXXIII. — 11	101
—	—	8	— 16, — 34	— IX. — 17	39
—	—	8	— 16, — 37	— XXXIII. — 10	100
—	—	8	— 16, — 38	— XXXVII. — *7	121
—	—	8	— 16, —39,40,41	— XXXIII. — 12	101
—	—	8	— 16, — 45	— XXI. — 1	65
—	—	8	— 16, — 45	— XXXIII. — 10	100
—	—	8	— 16, — 46	— XXI. — 5	66
—	—	8	— 16, — 47	— XXXIII. — 2	99
—	—	8	— 16, — 47	— XXXIV. — 2	102
—	—	8	— 16, — 48	— VII. — 3	33
—	—	8	— 16, — 48	— XXXIII. — 3	99
—	—	8	— 16, — 49	— XXII. — 1	68
—	—	8	Order 18	— XXXVII. — 8	121
—	—	8	— 20	— XXXVII. — 18	124
—	—	8	— 21	— XXXVII. — 17	123
—	—	8	— 24	— I. — 37	18
—	—	8	— 24	— XXVIII. — 2	88
—	—	8	— 25	— XXVIII. — 5	88
—	—	8	— 26	— IX. — 21	40
—	—	8	— 26	— XXVIII. — 7	88
—	—	8	— 27	— XVI. — 15	58
—	—	8	— 28	— X. — 18	46
—	—	8	— 29	— X. — 4	41
—	—	8	— 30	— X. — 5	42
—	—	8	— 31	— X. — 6	42
—	—	8	— 32	— VII. — 3	33
—	—	8	— 33	— X. — 7	43
—	—	8	— 34	— X. — 8	43

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.	Consolidated Orders in which Abrogated Orders are incorporated.	Pages of Consolidated Orders.
1845	May	8	Order 34	Order XXVIII. Rule 8	88
—	—	8	— 35	— XL. — 15	131
—	—	8	— 36	— X. — 9	43
—	—	8	— 37	— X. — 16	45
—	—	8	— 44	— XIV. — 12	53
—	—	8	— 45	— XIV. — 13	53
—	—	8	— 46	— XIV. — 14	54
—	—	8	— 47	— XIV. — 15	54
—	—	8	— 48	— XIV. — 16	54
—	—	8	— 49	— XIV. — 17	54
—	—	8	— 50	— XIV. — 18	55
—	—	8	— 51	— XLII. — 6	151
—	—	8	— 51	— XLII. — 8	151
—	—	8	— 52	— XIII. — 1	50
—	—	8	— 53	— XIII. — 2	50
—	—	8	— 54	— XIII. — 3	50
—	—	8	— 55	— XIII. — 4	51
—	—	8	— 56	— XIII. — 5	51
—	—	8	— 57	— XIII. — 6	51
—	—	8	— 58	— XIII. — 7	51
—	—	8	— 63	— XXXII. — 4	98
—	—	8	— 64	— IX. — 8	38
—	—	8	— 65	— IX. — 9	38
—	—	8	— 66	— IX. — 13	38
—	—	8	— 67	— IX. — 14	38
—	—	8	— 68	— IX. — 15	39
—	—	8	— 69	— IX. — 16	39
—	—	8	— 70	— IX. — 24	40
—	—	8	— 70	— XXXIII. — 11	101
—	—	8	— 72	— XII. — 1	48
—	—	8	— 73	— XII. — 2	48
—	—	8	— 74	— XII. — 3	48
—	—	8	— 75	— XII. — 4	49
—	—	8	— 76	— XXII. — 1	68
—	—	8	— 77	— XXII. — 2	69
—	—	8	— 78	— XXII. — 3	69
—	—	8	— 79	— XXII. — 4	70
—	—	8	— 80	— XXII. — 5	70
—	—	8	— 81	— XXII. — 6	71
—	—	8	— 82	— XXII. — 7	71
—	—	8	— 83	— XXII. — 8	71
—	—	8	— 84	— XXII. — 9	71
—	—	8	— 85	— XXII. — 10	72
—	—	8	— 86	— XXII. — 11	72
—	—	8	— 87	— XXII. — 12	72
—	—	8	— 88	— XXII. — 13	72
—	—	8	— 89	— XXII. — 14	72
—	—	8	— 90	— XXII. — 15	73
—	—	8	— 91	— XXII. — 16	73
—	—	8	— 92	— XXII. — 17	74
—	—	8	— 93	— XVII. — 2	60
—	—	8	— 114	— XXXIII. — 10	100
—	—	8	— 114	— XXXIII. — 11	101

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.	Consolidated Orders in which Abrogated Orders are incorporated.	Pages of Consolidated Orders.
1845	May	8	Order 115	Order XXXIII. Rule 12	101
—	—	8	— 116	— XXI. — 1	65
—	—	8	— 117	— XXIII. — 13	79
—	—	8	— 119	— XXIII. — 22	81
—	—	8	— 120	— XL. — 32	134
—	—	8	— 122	— XL. — 9	129
—	—	8	— 123	— XL. — 37	136
—	—	8	— 124	— XL. — 38	136
—	—	8	— 125	— XL. — 14	131
—	—	8	— 126	— XVIII. — 1	61
—	—	8	— 128	— XVIII. — 2	61
1846	Jan.	31		— XXX. — 3	94
1847	April	13		— IX. — 12	38
1848	June	10	— 1	— XLI. — 1	137
—	—	10	— 2	— XLI. — 2	138
—	—	10	— 3	— XLI. — 4	139
—	—	10	— 4	— XLI. — 5	139
—	—	10	— 5	— XLI. — 6	139
—	—	10	— 6	— XLI. — 7	139
—	—	10	— 7	— XLI. — 8	139
—	—	10	— 8	— XLI. — 9	139
1849	Dec.	10		— XL. — 5	128
1850	Feb.	23		— XXI. — 2	65
—	—	23		— XXI. — 9	66
—	June	3	— 1	— XXXV. — 22	108
—	—	3	— 2	— XXXV. — 20	108
—	—	3	— 6	— XXXV. — 10	105
—	—	3	— 7	— XL. — 31	134
—	—	3	— 8	— XL. — 31	134
—	—	3	— 9	— XL. — 10	129
—	—	3	— 14	— I. — 33	17
—	July	4		— I. — 17	13
—	Nov.	2	— 4	— XXXVII. — 13	122
—	—	2	— 6	— XVI. — 5	57
—	—	2	— 7	— XLII. — 5	151
—	—	2	— 8	— XVI. — 6	57
—	—	2	— 9	— XVI. — 8	57
—	—	2	— 10	— XVI. — 9	57
—	—	2	— 11	— XVI. — 11	58
—	—	2	— 12	— XVI. — 10	57
—	—	2	— 13	— XLII. — 6	151
—	—	2	— 14	— XVI. — 12	58
—	—	2	— 16	— XVI. — 13	58
—	—	2	— 17	— XVI. — 14	58
—	—	2	— 17	— XVI. — 15	58
—	—	2	— 18	— XVI. — 16	59
—	—	2	— 19	— XVI. — 17	59
—	—	2	— 20	— XVI. — 18	59
—	—	2	— 21	— XVI. — 14	58
—	—	2	— 22	— XVI. — 19	59
—	—	2	— 23	— XVI. — 2	56
—	—	2	— 24	— XVI. — 20	59
—	—	2	— 25	— XVI. — 21	59

Dates of Orders Incorporated			Numbers of such of the Orders Incorporated as are divided and numbered.			Consolidated Orders in which Abrogated Orders are incorporated.			Pages of Consolidated Orders.
1850	Nov.	2	Order	26		Order	VI. Rule	10	32
—	—	2	—	27		—	VI. —	6	31
1851	Oct.	29	—	2		—	VI. —	1	30
—	—	29	—	7		—	VI. —	5	31
—	—	29	—	7		—	VI. —	6	31
1852	May	4				—	I. —	11	10
—	—	7				—	XLI. —	3	138
—	July	28				—	I. —	4	8
—	Aug.	7	1st Set.	Ord.	1	—	IX. —	3	37
—	—	7	—	—	2	—	XL. —	18	131
—	—	7	—	—	3	—	IX. —	4	37
—	—	7	—	—	5	—	XL. —	19	132
—	—	7	—	—	6	—	IX. —	5	37
—	—	7	—	—	7	—	IX. —	18	39
—	—	7	—	—	9	—	IX. —	20	40
—	—	7	—	—	10	—	IX. —	21	40
—	—	7	—	—	11	—	IX. —	22	40
—	—	7	—	—	12	—	IX. —	23	40
—	—	7	—	—	13	—	XXVIII. —	10	89
—	—	7	—	—	14	—	IX. —	2	37
—	—	7	—	—	15	—	XI. —	1	46
—	—	7	—	—	16	—	XI. —	2	46
—	—	7	—	—	17	—	XI. —	4	47
—	—	7	—	—	18	—	XI. —	5	47
—	—	7	—	—	19	—	XXXVII. —	*4	120
—	—	7	—	—	19	—	XXXVII. —	8	121
—	—	7	—	—	20	—	XI. —	3	47
—	—	7	—	—	21	—	XV. —	1	55
—	—	7	—	—	22	—	XXXIII. —	4	99
—	—	7	—	—	23	—	XXXIII. —	5	99
—	—	7	—	—	24	—	XXXIII. —	6	99
—	—	7	—	—	25	—	XXXIII. —	7	99
—	—	7	—	—	26	—	XXXIII. —	8	100
—	—	7	—	—	27	—	XXXIII. —	9	100
—	—	7	—	—	28	—	XVII. —	1	60
—	—	7	—	—	29	—	XXXIII. —	13	101
—	—	7	—	—	30	—	XL. —	11	130
—	—	7	—	—	34	—	XIX. —	9	63
—	—	7	—	—	35	—	XIX. —	8	63
—	—	7	—	—	36	—	XIX. —	9	63
—	—	7	—	—	37	—	XIX. —	9	63
—	—	7	—	—	38	—	XIX. —	10	63
—	—	7	—	—	40	—	XXIII. —	18	80
—	—	7	—	—	41	—	XXIII. —	19	80
—	—	7	—	—	42	—	XXXV. —	3	104
—	—	7	—	—	43	—	XXXII. —	1	97
—	—	7	—	—	44	—	XXXII. —	2	98
—	—	7	—	—	45	—	XXV. —		85
—	—	7	—	—	46	—	XXXVII. —	17	123
—	—	7	2nd Set.	—	1	—	XXXI. —	1	94
—	—	7	—	—	2	—	XXIII. —	25	82
—	—	7	—	—	3	—	XXIII. —	26	82
—	—	7	—	—	4	—	XXIII. —	27	82

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.			Consolidated Orders in which Abrogated Orders are incorporated.			Pages of Consolidated Orders.
1852	Aug.	7	2nd Set.	Order	5	Ord.	XXIII.	Rule 28	83
—	—	7	—	—	6	—	XXIII.	— 28	83
—	—	7	—	—	6	—	XXXI.	— 1	94
—	Sept.	7				—	XXXIX.	— 3	125
—	—	7				—	XXXIX.	— 4	125
—	Oct.	16		Order	1	—	XXXV.	— 2	104
—	—	16		—	2	—	XXXV.	— 4	104
—	—	16		—	3	—	XXXV.	— 5	104
—	—	16		—	4	—	XXXV.	— 6	104
—	—	16		—	5	—	XXXV.	— 7	105
—	—	16		—	6	—	XXXV.	— 8	105
—	—	16		—	7	—	XXXV.	— 9	105
—	—	16		—	8	—	XXIII.	— 15	79
—	—	16		—	9	—	XXXV.	— 12	106
—	—	16		—	10	—	XLII.	— 9	151
—	—	16		—	11	—	XLII.	— 11	152
—	—	16		—	12	—	XXXV.	— 13	106
—	—	16		—	13	—	XXIV.	— 1	83
—	—	16		—	15	—	XLII.	— 13	152
—	—	16		—	16	—	XXXV.	— 14	106
—	—	16		—	17	—	XXXV.	— 15	106
—	—	16		—	18	—	XXXV.	— 16	107
—	—	16		—	19	—	XXXV.	— 18	107
—	—	16		—	20	—	XXXV.	— 19	107
—	—	16		—	21	—	XXXV.	— 24	109
—	—	16		—	22	—	XXXV.	— 25	110
—	—	16		—	23	—	XXXV.	— 26	110
—	—	16		—	24	—	XXXV.	— 27	110
—	—	16		—	25	—	XIX.	— 11	63
—	—	16		—	26	—	XXXV.	— 30	110
—	—	16		—	27	—	XXXV.	— 31	111
—	—	16		—	28	—	XXXV.	— 32	111
—	—	16		—	29	—	XXXV.	— 33	111
—	—	16		—	30	—	XXXV.	— 34	111
—	—	16		—	31	—	XXIV.	— 3	84
—	—	16		—	32	—	XXIV.	— 4	84
—	—	16		—	33	—	XXXV.	— 35	111
—	—	16		—	34	—	XXXV.	— 36	111
—	—	16		—	35	—	XXXV.	— 37	112
—	—	16		—	36	—	XXXV.	— 38	112
—	—	16		—	37	—	XXXV.	— 39	112
—	—	16		—	38	—	XXXV.	— 40	112
—	—	16		—	39	—	XXXV.	— 41	112
—	—	16		—	40	—	XXXV.	— 42	112
—	—	16		—	41	—	XXXV.	— 43	112
—	—	16		—	42	—	XXXV.	— 44	113
—	—	16		—	43	—	XXXV.	— 45	113
—	—	16		—	44	—	XXXV.	— 46	113
—	—	16		—	45	—	XXXV.	— 47	113
—	—	16		—	46	—	XXXV.	— 48	114
—	—	16		—	47	—	XXXV.	— 49	114
—	—	16		—	48	—	XXXV.	— 50	114
—	—	16		—	49	—	XXXV.	— 51	114

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.	Consolidated Orders in which Abrogated Orders are incorporated.	Pages of Consolidated Orders.
1852	Oct.	16	Order 50	Order I. Rule 44	20
—	—	16	— 50	— XXXV. — 55	115
—	—	16	— 51	— XXXV. — 52	115
—	—	16	— 52	— XXXV. — 56	115
—	—	16	— 53	— XXXV. — 54	115
—	—	16	— 54	— XXXV. — 57	115
—	—	16	— 55	— XL. — 28	134
—	—	16	— 56	— XL. — 29	134
—	—	16	— 57	— XLII. — 3	150
—	—	16	— 58	— XXXV. — 61	116
—	—	16	— 59	— XXXV. — 62	117
—	Oct.	25	— 1 & 2	— XXXVI. — 1	117
—	—	25	— 1	— XXXVI. — 3	118
—	—	25	Ord. 1, Art. 2	— XXXVI. — 4	118
—	—	25	— 1, — 3	— XXXVI. — 5	118
—	—	25	— 1, — 4	— XXXVI. — 6	118
—	—	25	— 1, — 6	— XXXVI. — 7	118
—	—	25	— 1, — 7	— XXXVI. — 8	118
—	—	25	— 1, — 8	— XXXVI. — 9	119
—	—	25	— 1, — 9	— XXXVI. — 10	119
—	—	25	Order 2	— XXXVI. — 1	117
—	—	25	— 2	— XXXVI. — 11	119
—	—	25	— 3	— XXXVI. — 12	119
—	—	25	— 4	— XXXVII. — 16	123
—	—	25	— 5	— XXXVI. — 13	119
—	—	25	— 6	— XXXIX. — 3	125
—	—	25	— 6	— XXXIX. — 4	125
—	—	25	— 6	— XXXIX. — 5	126
—	—	25	— 7	— XXXIX. — 8	127
—	Nov.	9	— 2	— I. — 18	13
—	Dec.	3	— 1	— XXXIX. — 3	125
—	—	3	— 1	— XXXIX. — 4	125
—	—	3	— 2	— XXXIX. — 5	126
—	Dec.	4	— 2	— XXXIX. — 3	125
—	—	4	— 2	— XXXIX. — 5	126
—	Dec.	10	—	— XXXI. — 5	95
—	Dec.	16	— 1	— II. — 1	22
—	—	16	— 2	— II. — 2	22
—	—	16	— 3	— II. — 3	23
—	—	16	— 4	— II. — 4	23
—	—	16	— 5	— II. — 5	23
1853	Mar.	4	—	— XXI. — 10	66
—	Apr.	12	—	— XXIII. — 2	74
—	June	3	—	— I. — 12	11
—	July	26	—	— XXXV. — 59	116
—	Dec.	9	—	— XLI. — 10	140
—	—	9		— XLI. — 11	140
—	—	9		— XLI. — 12	140
—	—	9		— XLI. — 13	140
1854	Mar.	9		— XXIII. — 9	77
—	June	1	— 1	— XXXVII. — 15	123
—	—	1	— 2	— XXXV. — 58	115
—	—	1	— 3	— XLII. — 4	150

Dates of Orders Incorporated.			Numbers of such of the Orders Incorporated as are divided and numbered.		Consolidated Orders in which Abrogated Orders are incorporated.				Pages of Consolidated Orders.
1854	June	1	Ord.	4	Ord.	XXXV.	Rule	53	115
—	—	1	—	5	—	VII.	—	5	34
—	—	1	—	6	—	VII.	—	6	34
—	—	1	—	7	—	VII.	—	7	34
—	—	1	—	8	—	XXIII.	—	20	80
—	—	1	—	11	—	XL.	—	17	131
—	—	1	—	12	—	XL.	—	33	135
—	—	1	—	13	—	XL.	—	34	135
—	—	1	—	14	—	XL.	—	35	136
—	—	1	—	15	—	XL.	—	36	136
1855	Jan.	13	—	4	—	XIX.	—	3	62
—	—	13	—	5	—	XIX.	—	13	64
—	—	13	—	5	—	XXXVII.	—	15	123
—	—	13	—	6	—	XIX.	—	12	64
—	—	13	—	8	—	XVIII.	—	3	61
—	—	13	—	9	—	XVIII.	—	4	61
—	—	13	—	10	—	XVIII.	—	3	61
—	July	26			—	XXXIX.	—	3	125
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CHRONOLOGICAL LIST

OF

ABROGATED ORDERS,

Incorporated

IN THE

SUBJOINED REGULATIONS.

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PRELIMINARY ORDER.

THE RIGHT HONORABLE JOHN LORD CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of THE RIGHT HONORABLE SIR JOHN ROMILLY, Master of the Rolls, THE RIGHT HONORABLE THE LORD JUSTICE SIR JAMES LEWIS KNIGHT BRUCE, THE RIGHT HONORABLE THE LORD JUSTICE SIR GEORGE JAMES TURNER, THE HONORABLE THE VICE-CHANCELLOR SIR RICHARD TORIN KINDERSLEY, THE HONORABLE THE VICE-CHANCELLOR SIR JOHN STUART, and THE HONORABLE THE VICE-CHANCELLOR SIR WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, order and direct in manner following:—

RULE 1. Abrogation of prior Orders.

1 (*a*). From and after the fourteenth day of February, 1860, all the General Orders of the High Court of Chancery which have been at any time heretofore made, shall be abrogated; and in lieu thereof, the Orders hereinafter expressed shall constitute the General Orders of the said Court; except that—

Exceptions.

ARTICLE (1.) Orders as to the Masters, or their reports, or the business of their offices, or further proceedings on their reports.

(1.) All the Orders now in force relating to or connected with the Masters in Ordinary of the said Court, or their reports, or the business of their offices, or the further proceedings upon their reports, unless otherwise regulated by the now existing practice,

(*a*) Each paragraph to which an arabic numeral, not inclosed in parenthetical marks, is prefixed, is designated a *Rule;* and each paragraph of a Rule to which an arabic numeral, inclosed in parenthetical marks, is prefixed, is designated an *Article,* which is the term applied to similar paragraphs in the Orders of 8th May, 1845. (See 16th Order of that date, 25th Article. And see First Report of the Consolidators, *supra,* p. xii.) There are very few instances, however, of the subdivision of a Rule into Articles.

shall, so far as such Orders relate thereto, continue in full force until the same shall be otherwise abrogated, or until the business of the offices of the said Masters shall be finally closed, and the matters arising thereon wound up and determined, when all such Orders shall thereupon become *ipso facto* totally abrogated.

ARTICLE (2.) Orders of 5 May, 1837, and 11 November, 1841, as to selection of Court, in the case of old suits.

(2.) The Orders of the 5th of May, 1837, so far as regards suits or matters commenced or originated before the 20th of May, 1837, and the 4th Order of the 11th of November, 1841, so far as regards suits or matters commenced or originated before that day, shall, as respects the ascertainment or selection of the Court to which such causes or matters are or ought to be attached, remain unaffected by the abrogation hereinbefore made (*b*).

ARTICLE (3.) Orders relating to the Suitors' Fund and Fee Fund; Orders as to the custody of suitors' money and effects; Orders as to Exchequer orders and bills, Exchequer powers of attorney, and Income Tax; Orders as to certain office routine; and Orders as to drainage of settled estates.

(3.) The abrogation aforesaid shall not extend to or affect any of the following Orders:—

The Orders relating to the Suitors' Fund, or the Suitors' Fee Fund, or the Solicitor to the Suitors' Fund.

The Orders of the 26th of May and 4th of November, 1725 (as to the custody of suitors' money and effects) which are recited in the statute 12 Geo. I. c. 32.

And the Orders of the 1st of August 1741, and the 28th of August 1828 (as to Exchequer Orders and Bills),—the Order of the 1st of November 1841 (as to Exchequer Powers of Attorney),—the Order of the 8th of July 1842 (as to Income Tax),—the Order of the 27th of July, 1852 (as to certain office routine),—and the Orders of the 4th of March 1846 (as to the drainage of settled estates) (*b*).

ARTICLE (4.) Orders relating to fees not provided for by subjoined regulations.

(4.) So far as any Order relates to any fee now payable in any office, or to any officer, of the said Court, and no provision is made by the Regulations sub-

(*b*) These Orders are printed in the Appendix.

joined to these Orders as to fees in such office, or to such officer, such Order shall not be affected by the abrogation aforesaid.

(5.) So far as any Order made before the 30th of January 1857, and then in force, relates to Court fees or Solicitors' fees, such Order shall continue in force, for the purpose only of regulating Court fees and Solicitors' fees incurred before the 1st of February 1857.

ARTICLE (5.) Orders relating to fees incurred before Feb. 1, 1857.

(6.) Orders of a merely personal or temporary character shall not be affected by the abrogation aforesaid.

ARTICLE (6.) Orders of a personal or temporary character.

(7.) Orders relating exclusively to the Common Law side of the Court shall not be hereby affected.

ARTICLE (7.) Orders relating to the Law side of Court.

2. The abrogation hereinbefore made shall not be deemed to extend to any rules put forth by the authority of the Judges of the said Court, not purporting to be General Orders, but purporting to be mere Regulations.

RULE 2. Regulations not affected.

3. All suits and proceedings instituted at any time or times heretofore, and now governed by a practice of an earlier date than the present practice, shall continue to be so governed, except so far as these Consolidated Orders introduce any new practice.

RULE 3. Old Suits, &c. to be governed by the same practice by which they are now governed.

4. The practice peculiar to Claims shall continue in force with respect to Claims filed, or to be filed, before the fifteenth day of February, 1860. (See p. 36, *infra*.)

RULE 4. Practice peculiar to Claims.

5. Notwithstanding anything hereinbefore expressed, the abrogation hereinbefore made shall not affect any practice of the said Court, or any practice or usage of, in, or connected with any of the offices of the said Court, or the officers thereof, which originated in, or was sanctioned by, any of the Orders hereby abrogated, and is now existing, except so far as the same may be inconsistent with anything hereinafter contained. (See First Report of the Consolidators, p. x, *supra*.)

RULE 5. Established practice originated in or sanctioned by Orders hereby abrogated.

RULE 6. No revival of things abolished by abrogated Orders.

6. Where any of the Orders hereby abrogated were intended to abolish any office, writ, practice, matter, fee, or thing, such abrogation shall not have the effect of reviving the same.

RULE 7. Construction and operation of consolidated Orders, where there is no variation.

7. Every Order or part of an Order hereinafter contained which is a repetition, without variation, of an Order or part of an Order hereby abrogated, shall receive the same construction as was put on such abrogated Order or part of an Order, and shall operate, not as a new Order, but in the same manner, whether as to the time of operation or otherwise, as such abrogated Order or part of an Order would have operated if this consolidation had not been effected. (See First Report of the Consolidators, p. xi, *supra*.)

RULE 8. Construction and operation thereof, where there is variation.

8. Every Order or part of an Order hereinafter contained which is a repetition, with variation, of an Order or part of an Order hereby abrogated, shall receive the same construction as was put on such abrogated Order or part of an Order, and shall operate, not as a new Order, but in the same manner, whether as to the time of operation or otherwise as such abrogated Order or part of an Order would have operated if this consolidation had not been effected, except so far as such variation indicates a contrary intention. And where the variation is of such a character as to be reasonably attributable, not to a variation of intention, but simply to a design to harmonise the style or language of the several Orders hereinafter incorporated, such variation shall not be deemed to indicate any such contrary intention.

RULE 9. Time when new Orders shall take effect.

9. All such Orders or parts of Orders hereinafter contained as are entirely new Orders or parts of Orders, and all such Orders or parts of Orders hereinafter contained as, having regard to the last preceding Rule of this Preliminary Order, shall be properly deemed to be new Orders or parts of Orders, shall take effect on the fifteenth day

of February, 1860, as to suits and matters now depending or hereafter to be commenced or originated.

10. In these Orders, the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz.:— RULE 10. Interpretation Clause.

(1.) Words importing the singular number include the plural number, and words importing the plural number include the singular number. ARTICLE (1.)

(2.) Words importing the masculine gender include females. ARTICLE (2.)

(3.) The word "person" or "party," includes a body politic or corporate; and the word "person" means any person, whether a party to a suit or proceeding or not. ARTICLE (3.)

(4.) The word "bill," includes information. ARTICLE (4.)

(5.) The word "plaintiff," includes informant. ARTICLE (5.)

(6.) The word "affidavit," includes affirmation and attestation upon honour; and the word "sworn," includes affirmed and attested upon honour. ARTICLE (6.)

(7.) The word "receiver," includes consignee and manager. ARTICLE (7.)

(8.) "The Accountant-General" means the Accountant-General of the High Court of Chancery. ARTICLE (8.)

(9.) The "Bank" means the Bank of England, or the Governor and Company of the Bank of England. ARTICLE (9.)

(10.) The word "decree" or "order" includes a dismission. ARTICLE (10.)

(11.) In the Rules at the end of which the Orders of the 30th of March, 1859, are referred to, the word "party" means any person appearing at the hearing of the cause, or of the application respectively, as the case may be; and when any period is therein specified, the same shall (except as to decrees and orders made in vacations) be computed exclusive of vacations (30th March, 1859; Ord. 1.) ARTICLE (11.)

ARTICLE (12.) (12.) In the Rules at the end of which the Orders of the 22nd of August, 1859, are referred to, the word "money" includes interest or dividends on stock or securities, or any accumulations of interest or dividends. (22nd Aug. 1859; Ord. 1.)

RULE *11. Preservation of General Orders. *11. For the better preservation of these and all future General Orders of the said Court, (except Orders relating to the Suitors' Fund, or to the Suitors' Fee Fund, or to the solicitor of the Suitors' Fund, or to mere transfers of causes specified by name, and Orders of a merely temporary or personal character,) the originals as signed by the Judges, and (where the originals are in writing) correct printed copies thereof, authenticated by the signature of the senior Registrar for the time being, shall henceforth be deposited and kept in an iron chest provided for the purpose; and the Clerks of Records and Writs for the time being shall take care that an Index be made of such Orders according to their dates in a book to be kept for that purpose, and deposited in the said chest, and the said chest shall be kept at the Record and Writ Clerks' Office locked up; and the key thereof shall be in the custody of the Clerks of Records and Writs for the time being; and a duplicate of the said book and duplicate printed copies of such Orders shall be kept at the Report Office, and be accessible in the same manner as the other Indexes and Orders there kept. And two copies of the collection of Orders by John Beames, Esq., published by Reed and Hunter, in the year 1815, and two copies of the collection of Orders by George William Sanders, Esq., published by A. Maxwell and Son, in the year 1845, and two printed copies of each of the general Orders made subsequent to the date of the latest of the Orders contained in the said last-mentioned collection down to the present time, (except Orders relating to the Suitors' Fund, or to the Suitors' Fee Fund, or to the Solicitor of the Suitors' Fund, or to mere transfers of causes specified by name, and Orders of a merely personal or temporary character,) shall also be deposited and kept in the said chest.

Index thereto.

GENERAL ORDERS.

ORDER I.

ORDER I. *Officers of the Court.*

OFFICERS OF THE COURT.

I. *Accountant-General.*

RULE *1. Money ordered to be paid to women who afterwards marry.

*1. Where the Accountant-General is directed by any decree or order to pay any sum or sums of money to an unmarried woman, and such decree or order does not extend to the transfer or delivery to such woman of any stocks or securities, and such woman marries before payment of such sum or sums of money, the Accountant-General, if such sum of money does not, or such sums of money in the whole do not, exceed £200 of principal money or £10 in annual payments, may draw for such money in favour of such woman and her husband, upon proof of the marriage, and upon an affidavit of such woman and her husband, that no settlement or agreement for a settlement whatsoever has been made or entered into, before, upon, or since their marriage, or in case any such settlement or agreement for a settlement has been made or entered into, then upon an affidavit of such woman and her husband, identifying such settlement or agreement for a settlement, and stating that no other settlement or agreement for a settlement has been made or entered into as aforesaid, and an affidavit of the solicitor of such woman and her husband, that such solicitor has carefully perused such settlement or agreement for a settlement, and that according to the best of his judgment such sum or sums of money is not or are not, nor is nor are any part or parts thereof, subject to the trusts of such settlement or agreement for a settlement, or in any manner comprised therein or affected thereby. (16th Feb. 1807.)

ORDER I. *Officers of the Court.*

RULE *2. Stocks, funds, shares, or securities ordered to be transferred or delivered to women who afterwards marry.

*2. Where the Accountant-General is directed by any decree or order to transfer or deliver any stocks, funds, shares, or securities to an unmarried woman, and such decree or order does not extend to the payment to such woman of any money, and such woman marries before the transfer or delivery of such stocks, funds, shares, or securities, and the same do not in the whole exceed in value £200 sterling, there, upon proof of the marriage, and upon an affidavit of such woman and her husband that no settlement or agreement for a settlement whatsoever has been made or entered into before, upon, or since their marriage, or, in case any such settlement or agreement for a settlement has been made or entered into, then, upon an affidavit of such woman and her husband, identifying such settlement or agreement for a settlement, and stating that no other settlement or agreement for a settlement has been made or entered into as aforesaid, and an affidavit of the solicitor of such woman and her husband, that such solicitor has carefully perused such settlement or agreement for a settlement, and that according to the best of his judgment such stocks, funds, shares, or securities are not, nor is any part thereof, subject to the trusts of such settlement or agreement for a settlement, or in any manner comprised therein or affected thereby, the Registrar may issue a certificate authorizing the transfer or delivery of such stocks, funds, shares, or securities to such married woman and her husband; and the Accountant-General may thereupon transfer or deliver the same to them accordingly.

RULE *3. Money to be paid, and stocks, funds, shares, or securities to be transferred or delivered to women who afterwards marry.

*3. A similar course to that mentioned in the 1st and 2nd Rules of this Order shall be adopted in the case of money directed to be paid, and of stocks, funds, shares, and securities directed to be transferred or delivered to a woman who afterwards marries, where the aggregate value of such money, stocks, funds, shares, and securities does not exceed £200.

RULE 4—6. Payments to surviving personal representatives.

4. Where any money is directed to be paid out of Court to persons to be named in the report of a Master or in the certificate of the Chief Clerk of a Judge, and a sum

ORDER I. *Officers of the Court.*

is reported or certified to be due to any persons as legal personal representatives, the same or any portion thereof for the time being remaining unpaid, may, upon proof to the Accountant-General of the death of any of them, be paid to the survivors or survivor of them. (28th July, 1852. See also 5th and 6th Ord. of 22nd Aug. 1859.)

5. Where any money is directed to be paid out of Court to the legal personal representatives of any person, or to any persons as legal personal representatives, the same or any portion thereof for the time being remaining unpaid, may, upon proof to the Accountant-General of the death of any of such legal personal representatives, whether before, on, or after the day of the date of the decree or order, be paid to the survivors or survivor of them. (22nd Aug. 1859; Ord. 5.)

6. Where any money is directed to be paid out of Court to any person named in the decree or order, or named or to be named in any Report or Certificate, or his legal personal representatives, the same or any portion thereof for the time being remaining unpaid, may, on proof to the Accountant-General of the death of such person, whether before, on, or after the day of the date of the decree or order, be paid to such legal personal representatives, or the survivors or survivor of them. (22nd Aug. 1859; Ord. 6.)

RULE 7. Transfer or delivery to surviving personal representatives.

7. Where any stocks, funds, shares, or securities, are directed to be transferred or delivered out of Court to the legal personal representatives of any person, or to any persons as legal personal representatives of any person, the Registrar may, upon proof of the death of any of such representatives, whether before, on, or after the day of the date of the decree or order, issue a Certificate authorizing the transfer or delivery of such stocks, funds, shares, or securities, to the survivors or survivor of them; and where any stocks, funds, shares, or securities, are directed to be transferred or delivered out of Court to any person, or his legal personal representatives, the Registrar may, upon proof of the death of such person, whether before, on, or

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after the day of the date of the decree or order, issue a Certificate authorizing the transfer or delivery of such stocks, funds, shares, or securities, to such legal personal representatives, or the survivors or survivor of them. And in any of the cases hereinbefore mentioned, such stocks, funds, shares, or securities, may be transferred or delivered accordingly. (22nd Aug. 1859; Ord. 7.)

RULES 8, 9. Within what time probate or letters of administration must have been granted in cases under the 6th and 7th rules.

8. No principal sum of money, nor any stocks, funds, shares, or securities, shall, under the 6th or 7th Rule of this Order, be paid, transferred, or delivered out of Court, to the legal personal representatives of any person, under any Probate or Letters of Administration purporting to be granted at any time subsequent to the expiration of six years from the day of the date of the decree or order directing such payment, transfer, or delivery. (22nd Aug. 1859; Ord. 8.)

9. No interest or dividends shall, under the 6th Rule of this Order, be paid out of Court to the legal personal representatives of any person, under any Probate or Letters of Administration purporting to be granted at any time subsequent to the expiration of six years after the day of the date of the decree or order directing such payment, or after the last receipt of such interest or dividends under such decree or order, which shall last happen. (22nd Aug. 1859; Ord. 9.)

RULE 10. Payment to a partner or partners.

10. Where any money is directed to be paid out of Court to any persons named or to be named in a Master's Report or Chief Clerk's Certificate, and such money shall by such Report or Certificate be certified to be due to them as partners, the same may be paid to any one or more of such partners. (22nd Aug. 1859; Ord. 10.)

RULE 11. Investment of dividends on stock purchased by the Accountant-General, pursuant to the Legacy Duty Acts, 36 Geo. 3, c. 52, s. 32,

11. Where any money paid into the Bank, with the privity of the Accountant-General, pursuant to the stat. 36 Geo. III., c. 52, s. 32, and 37 Geo. III., c. 135, is laid out by the Accountant-General, pursuant to the said statutes, in the purchase of Bank £3 per Cent. Annuities, the Accountant-General, (unless he shall have received, on behalf of some person claiming to be entitled, notice in writing of an

ORDER I. *Officers of the Court.*

and 37 Geo. 3, c. 135.

intended application to the Court or to a Judge in Chambers, for disposing of the fund, or for otherwise applying the dividends thereof), may from time to time, without any formal request for that purpose, lay out and invest the dividends on such stock, when so purchased, and all accumulations thereon, as the same shall accrue due, in the purchase of like stock in trust in the same matter and account to which the original sum of stock stands. (4th May, 1852).

RULE 12. Investment of interest and dividends by the Accountant-General, under an Order directing the same.

12. Where any decree or order directing the investment from time to time of any interest or dividends accruing upon any stocks, funds, shares, or securities standing in the name of the Accountant-General in trust in or to the credit of any cause, matter, or account, or upon any stocks, funds, shares, or securities which may be directed to be transferred into the name of the Accountant-General or to be carried over from one account to another, or upon any stocks, funds, shares, or securities which may be directed to be purchased with any cash in Court or with any cash to be paid into Court with his privity, is brought to the Accountant-General for the purpose of having such direction for investment carried into effect, the Accountant-General may from time to time, until he shall receive notice of a decree or order to the contrary, without any further request, invest the interest or dividends so directed to be invested, together with all accumulations of interest or dividends thereon, as soon as conveniently may be after they shall accrue due and have been received, in the purchase of the particular description of stocks, funds, shares, or securities named in the decree or order directing such investment, and place such stocks, funds, shares, or securities when purchased, to the credit of the cause, matter, or account respectively, as may be directed by such decree or order. (3rd June, 1853.)

RULE 13. Purchase of Exchequer bills or bonds.

13. Where, by any decree or general or special order, any money is directed to be laid out with the privity of the Accountant-General, in the purchase of Exchequer Bills or Bonds to be deposited in the Bank to the credit of any cause, matter, or account, and where any Exchequer Bills

ORDER I. *Officers of the Court.*

or Bonds shall be deposited in the Bank, with the privity of the Accountant-General, to the credit of any cause, matter or account, any principal money or interest which may thereafter be received and paid into the Bank in respect of such bills or bonds, or of any bills or bonds to be purchased with principal money or interest in pursuance of this Rule, or in respect of any exchanged bills or bonds, shall (unless the decree or order shall otherwise direct), from time to time as the same shall be so received and paid into the Bank, be also laid out in the purchase of Exchequer Bills or Bonds, with the privity of the Accountant-General, and such Exchequer Bills or Bonds, when so purchased, shall be deposited in the Bank with the privity of the Accountant-General, and placed to the credit of the same cause, matter, or account, subject to the further order of the Court. (22nd Aug. 1859; Ord. 14.)

RULE 14. Accountant-General to declare trust, without any direction in the order of investment or transfer.

14. Where, under or in pursuance of any decree or general or special Order, any money shall be invested in the name of the Accountant-General, and with his privity, in the purchase of any stocks, funds, shares, or securities, or any stocks, funds, shares, or securities shall be transferred into his name and with his privity in the books of the Bank or of any other public company, he shall declare the trust thereof to be, to attend the order of this Court, without any direction for that purpose in the decree or order directing such investment or transfer. (22nd Aug. 1859; Ord. 2.)

RULE 15. Accountant-General to draw on the Bank according to the Act and Orders, without any direction.

15. For the purpose of any payment or investment, to be made under any decree or general or special order, of or out of any money in the Bank on the credit of any cause, matter, or account, the Accountant-General shall (without any direction for that purpose in such decree or order) draw on the Bank according to the form prescribed by the Act of Parliament made and passed in the twelfth year of the reign of his Majesty King George the First, intituled "An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, and likewise Indorsements on

South Sea Bonds," and the General Rules and Orders of this Court in that case made and provided. (22nd Aug. 1859; Ord. 3.)

ORDER I. *Officers of the Court.*

RULE 16. Proceedings on sale of stocks, funds, shares, or securities.

16. Where any stocks, funds, shares, or securities standing in the books of the Bank or of any other public company, in the name of the Accountant-General, in trust in or to the credit of any cause, matter, or account, are by any decree or order directed to be sold, the same shall be sold with the privity of the Accountant-General, and one of the cashiers of the Bank shall have notice to attend and receive the money to arise by such sale, and upon receipt thereof shall forthwith pay the same into the Bank, with the privity of the Accountant-General, to the credit of the cause, matter, or account in trust in or to the credit of which such stocks, funds, shares, or securities were standing immediately before the sale, without any direction for that purpose in the decree or order directing such sale. (22nd Aug. 1859; Ord. 4.)

II. *Examiners.*

(See Order XIX. on *Evidence*.)

III. *Registrars.*

RULE 17. Attendance of Registrars.

17. The Registrars shall attend the several Courts of the Lord Chancellor, the Lords Justices of the Court of Appeal, the Master of the Rolls, and the three Vice-Chancellors, in rotation, week by week, on alternate days. (21st Dec. 1833; Ord. 27. 4th July, 1850.)

RULE 18. Entry of Decrees, Orders, &c.

18. All decrees and orders drawn up by the Registrars, or by the Chief Clerks to the Judges, and all præcipes for attachments, and such other documents (if any) as, according to the present practice or the practice for the time being ought to be entered by the Entering Clerks to the Registrars, shall be entered by them without abbreviations, and in a clear and legible hand, under the direction of the Senior Registrar for the time being, within one clear day after the same shall be left for entry; and all such entries shall be examined by one of the said Entering Clerks, and

ORDER I. *Officers of the Court.*

be marked with his initials, to denote such examination. (21st Dec. 1833; Ord. 30. 16th Oct. 1852; Ord. 28. 9th Nov. 1852; Ord. 2.)

RULE 19. Indexes to entries.

19. Proper calendars or indexes of such entries shall be made by the said Entering Clerks, so that the same may be conveniently referred to when required. And such calendars or indexes, and the books in which such entries are made, shall, when completed, be transmitted to the Report Office, to be there preserved under the direction of the Clerks of Records and Writs, and shall, at all times during office hours, be accessible to the public, on payment of the usual fee. (21st Dec. 1833; Ord. 30. And see p. 215, *infra*.)

Access thereto.

RULE 20. Documents to be left with the Registrar by person bespeaking a decree or order.

20. At the time of bespeaking a decree or order, the party bespeaking the same shall leave with the Registrar his counsels' briefs and such other documents as may be required by the Registrar, for the purpose of enabling him to draw up the same. (30th March, 1859; Ord. 2.)

RULE 21. Time for bespeaking decree or order, and leaving documents with Registrar.

21. Every decree or order shall be bespoken, and the briefs and such other documents as are mentioned in the next preceding Rule shall be so left with the Registrar, within seven days after the decree or order is pronounced or finally disposed of by the Court. (30th March, 1859; Ord. 3.)

RULE 22. Consequence of default.

22. In case any decree or order is not bespoken, and the briefs and other requisite documents are not left with the Registrar, within the time prescribed by the next preceding Rule, the Registrar may decline to draw up the decree or order, without the leave of the Court. (30th March, 1859; Ord. 4.)

RULE 23. Appointment of a time for settling draft decree or order.

23. At the time of delivering out the draft of any decree or order which requires to be settled by the Registrar in the presence of the parties, the Registrar shall deliver out, to the party on whose application the draft has been prepared, an appointment in writing of a time for settling the same. (30th March, 1859; Ord. 5.)

RULE 24. Service of a

24. A copy of such appointment shall be served on the opposite party one clear day at least before the time fixed

thereby for settling the draft decree or order; and the party serving such copy and the party so served shall attend such appointment, and produce to the Registrar their briefs and such other documents as may be necessary to enable him to settle the draft. (30th March, 1859; Ord. 6.)

copy of such appointment.

Attendance at the time appointed with documents.

25. Service of such appointment shall be effected by leaving a copy thereof at the place for service of the party to be served, or by transmitting a copy thereof by the post to such party at such place for service. (30th March, 1859; Ord. 7.)

RULE 25. Mode of service of appointment.

26. At the time fixed for settling the draft, the original appointment, together with a memorandum indorsed thereon of the service of a copy thereof on the opposite party, and signed by the person by whom such service was effected, shall be delivered to the Registrar, in order that he may be satisfied that service has been duly effected; but the Registrar may require such service to be verified by affidavit. (30th March, 1859; Ord. 8.)

RULE 26. Production to the Registrar of proof of service.

27. When the draft decree or order has been settled by the Registrar, he shall name a time in the presence of the several parties, or else deliver out an appointment in writing of a time for passing the decree or order. And, in the latter case, such appointment shall be served on the opposite party, in like manner as directed by the 24th and 25th Rules of this Order with reference to an appointment to settle the draft decree or order; and the original appointment, together with a memorandum indorsed thereon of the service of a copy thereof on the opposite party, and signed by the person by whom such service was effected, shall be delivered to the Registrar, in order that he may be satisfied that service has been duly effected; but the Registrar may require such service to be verified by affidavit. (30th March, 1859; Order 9.)

RULE 27. Appointment of time for passing the decree or order.

Service thereof.

Production to the Registrar of proof of service.

28. If any party fails to attend the Registrar's appointment for settling the draft of or passing any decree or order, or fails to produce his briefs and such other documents as the Registrar may require to enable him to settle such draft or pass such decree or order, the Registrar may

RULE 28. Default in attending appointment with documents.

ORDER I. *Officers of the Court.*

proceed to settle the draft or pass the decree or order in his absence, and the Registrar shall be at liberty to dispense with the production of counsels' briefs, and to act upon such evidence as he may think fit of the actual appearance by counsel of the party failing to attend or to produce such documents or papers as aforesaid, or may require the matter to be mentioned to the Court. (30th March 1859; Ord. 10 and 11.)

RULE 29. Form of appointment.

29. The Registrar's appointment may be in the following form:—

Chancery Registrars' Office, Chancery Lane,
1860.

"A. *v.* B."

or,

"In the Matter of A."

I have appointed the day of 1860, at o'clock in the forenoon, to settle the draft of [*or*, to pass] the decree [*or*, order] pronounced in this cause [*or*, matter] by [The Master of the Rolls], on the day of

C. D.,
Registrar.

(30th March 1859; Ord. 12.)

RULE 30. Filing thereof.

30. The Registrar's appointments, with the indorsements, if any, thereon, shall be filed by the Registrar. (30th March 1859; Ord. 13.)

RULE 31. Adjournment of an appointment.

31. The Registrar may adjourn any appointment for settling the draft of or passing any decree or order, to such time as he may think fit; and the parties who attended the appointment shall be bound to attend such adjournment without further notice. (30th March 1859; Ord. 14.)

RULE 32. Liberty to settle or pass decree or order without appointment or notice.

32. Notwithstanding the preceding rules of this Order, the Registrar shall be at liberty, in any case in which he may think it expedient so to do, to settle and pass the decree or order without making any appointment for either

purpose, and without notice to any party. (30th March 1859; Ord. 15.)

ORDER I. *Officers of the Court.*

RULE 33. Meetings of Registrars.

33. The Registrars shall from time to time meet, and consider such orders, rules, or regulations as may appear to them, or the majority of them, calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in their office, and report such orders, rules, or regulations to the Lord Chancellor, to the end that, if the same be approved by him, proper steps may be taken for such orders, rules, or regulations being adopted and duly made General Orders, Rules, or Regulations of the Court. (3rd June 1850; Ord. 14.)

IV. *Taxing Masters.*

(See Order XL. on *Costs.*)

V. *Chief Clerks of the Judges.*

(See Order XXXV. on *Proceedings in Chambers.*)

RULE *34. Meetings of Chief Clerks.

*34. The Chief Clerks of the Judges shall from time to time meet, and consider such orders, rules, or regulations as may appear to them, or the majority of them, calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in the Judges' Chambers, and report such orders, rules, or regulations to the Judges, to the intent that if they should approve of the same, they may authorize the Chief Clerks to submit the same to the Lord Chancellor, to the end that, if the same be approved by him, proper steps may be taken for such orders, rules, or regulations being adopted and duly made General Orders, Rules, or Regulations of the Court.

VI. *Clerk of the Inrolments in Chancery, and Clerks of Records and Writs.*

RULE 35. Clerks of Records and Writs to perform (inter alia) duties which were performed by six clerks, sworn clerks,

35. The Clerks of Records and Writs shall have the care of all documents ordered to be deposited for safe custody, and shall also (besides other duties) perform all such duties as were performed by the six clerks, sworn clerks, or waiting clerks, as officers of the Court, in relation to the several matters hereinafter mentioned; that is to say,

ORDER I. *Officers of the Court.*

and waiting clerks, except as solicitors.

The filing, custody, copying, and amending of all bills, demurrers, pleas, answers, and other pleadings and records.

The entering of appearances, consents, notes, and memorandums of service.

The certifying of appearances and proceedings.

The custody of exhibits deposited for inspecting and copying.

The attendance with records and exhibits on the Judges of this Court, or at the assizes, or elsewhere.

The inrolment of decrees and orders,

And all such other duties as were performed by the six clerks, sworn clerks, or waiting clerks, as officers of the Court in relation to suits and matters in equity, and not as attornies, solicitors, or agents of the parties in suits or matters in equity. (26th Oct. 1842; Ord. 3. 16th Oct. 1852; Ord. 57. See also p. 150, *infra*.)

RULE *36. Erasure, blotting, interlineation, improper mode of writing, or disfigurement in plea, answer, or affidavit.

*36. The Clerks of Records and Writs shall be at liberty to refuse to file any plea, answer, or affidavit, in which there is any knife erasure, or any plea, answer, or affidavit which is blotted so as to obliterate any word, or which is improperly written, or so altered as to cause any material disfigurement, or any plea, answer, or affidavit in which there is any interlineation of any word or words, unless the person before whom the same is sworn duly authenticate such interlineation with his initials in such manner as to show that the interlineation of such word or words was made before such plea, answer, or affidavit was sworn, and so as to mark the extent of such interlineation. (15th Nov. 1660. 18th July 1666.)

RULE 37. Practice as to writs.

37. The Clerks of Records and Writs shall keep a seal, in such form and bearing such impression as the Lord Chancellor shall approve; and any person desirous of suing out any of the writs specified at the end of this Rule, may prepare the same in the present form, with such alterations and variations as circumstances may require, and may present such writ for sealing to the Clerks of Records and Writs; and such writs shall be open writs, and it shall not be necessary for the Lord Chancellor to sign any such writ. And

ORDER I. *Officers of the Court.*

the Clerks of Records and Writs, upon any such writ being presented for sealing, shall ascertain whether such writ is correct in form, and whether the person presenting the same, is, according to the course and practice of the Court, entitled to sue out the same; and in case it shall appear that such writ is correct in form, and that the person is entitled to sue out the same, such writ shall be forthwith sealed with such seal as aforesaid, and shall, when so sealed, have the same force and validity as such writ had when sealed with the great seal. (26th Oct. 1842; Ord. 4. 8th May 1845; Ord. 24.)

The writs above referred to in this rule are the following:—Writ of Assistance, Writ of Attachment, Commission to assign a Guardian, Commission to examine Witnesses, Writ of Distringas, Writ of Elegit, Writ of Fieri Facias, Writ of Habeas Corpus, Writ of Injunction, Writ of Ne Exeat Regno, Writ of Dower, Commission of Partition, Commission to distinguish and divide Lands, Writ of Sequestration, Writ of Subpœna, Writ of Venditioni Exponas, Writ of Fieri Facias de Bonis Ecclesiasticis, Writ of Sequestrari Facias de Bonis Ecclesiasticis, and Writ of Inquiry of Damages.

RULE 38. Security for costs.

38. Where security for costs is directed to be given, such security shall be given to the Clerk of Records and Writs in whose division the cause or matter is. (26th Oct. 1842; Ord. 6.)

RULE 39. Swearing pleas, answers, and affidavits.

39. Pleas, answers, and affidavits may be sworn before any Clerk of Records and Writs, or before the Clerk of Inrolments in Chancery, as occasion may require. (26th Oct. 1842; Ord. 7.)

RULE 40. Acknowledgments for inrolling documents.

40. All acknowledgments required for the purpose of inrolling any deed or other document in Chancery may be made before the Clerk of Inrolments in Chancery, or before any Clerk of Records and Writs, as occasion may require. (26th Oct. 1842; Ord. 1.)

RULE 41. Transmission of inrolments to the Public Record Office.

41. The Records of all Deeds and Recognizances inrolled, shall be sent by the Clerk of the Inrolments to the Public Record Office, Rolls Yard, within two years from

ORDER I. *Officers of the Court.*

the time of the inrolment thereof. (3rd July 1676. 9th June 1686.)

RULE 42. Removal of Records or documents.

42. No person shall carry away any record from the Public Record Office, Rolls Yard, to any other place, without the direction of the Master of the Rolls, nor take out of the office of the Clerks of Records and Writs any record or document filed there, except by the direction of the Court. (25th Dec. 1574.)

RULE 43. Deposit to answer fees on attendance with records, and undertaking to pay further fees.

43. Any Clerk of Records and Writs, being required to attend with any record or document at any Assizes or at any Court or place out of the Court of Chancery or the offices thereof, shall be entitled to require that the solicitor or party desiring his attendance, shall deposit with him a sufficient sum of money to answer his just fees, charges, and expenses in respect of such attendance, and undertake to pay any further just fees, charges, and expenses which may not be fully answered by such deposit. (26th Oct. 1842; Ord. 8.)

RULE 44. Filing of certificates, petitions, admissions of evidence, submissions to arbitration, and awards.

Transmission to the Report Office.

Time for delivering out office copies.

44. All certificates of the Chief Clerk of a Judge, (after the same shall have been signed by the Judge in cases where his signature is required) and all petitions, and written admissions of evidence whereon any order is founded, and all submissions to arbitration and awards made orders of this Court, shall be transmitted to and left at the Report Office, to be there filed or preserved under the direction of the Clerks of Records and Writs. And all office copies thereof, or of any part thereof, that may be required, shall be ready to be delivered to the party requiring the same, within forty-eight hours after the same shall have been bespoken. (21st Dec. 1833; Ord. 30. 16th Oct. 1852; Ord. 50.)

RULE 45. Date of filing proceedings.

45. Upon every pleading or other proceeding which is filed under the direction of the Clerks of Records and Writs, the date of filing the same shall be printed or written. (See Ord. of 22nd May 1661; Sanders, 297.)

RULE 46. Indexes to reports, certificates, excep-

46. Proper indexes or calendars to the files or bundles of the reports, certificates, exceptions to reports, petitions, admissions of evidence, and all other documents filed at the

Report Office, shall be kept by the Clerks of Records and Writs; so that the same may be conveniently referred to when required. And such indexes or calendars and documents shall, at all times during office hours, be accessible to the public, on payment of the usual fee. (21st Dec. 1833; Ord. 30. See *infra*, p. 215.)

tions to reports, petitions, admissions of evidence, &c. Access thereto.

RULE 47. Entry of time of delivering certificate, with name of cause, and date of certificate. Entry of time of delivery of other documents. Access thereto.

47. The Clerks of Records and Writs shall also enter in the books kept by them for that purpose, the time when any certificate is delivered to them to be filed, with the name of the cause and the date of the certificate. And the like entry shall be made of the time of delivery of every other document filed at the Report Office. And such books shall, at all times during office hours, be accessible to the public, on payment of the usual fee. (21st Dec. 1833; Ord. 30, see p. 215 *infra*.)

RULE 48. Reference to record to be affixed to all documents.

48. Every decree, order, report, certificate, petition, or document, made, presented, or used in any cause in this Court, shall be distinguished by having plainly written or stamped on the first page of such decree, order, report, certificate, petition, or document, the year, the letter, and the number by which the cause is distinguished in the cause books kept by the Clerks of Records and Writs. (30th Nov. 1855; Ord. 1.)

RULE 49. Dates of decrees, orders, reports, and certificates to be entered in cause books.

49. The Clerks of Records and Writs shall, in addition to the entries formerly made by them in their respective cause books, enter therein respectively the date of every decree, order, report, and certificate, which shall be made in each cause. (30th Nov. 1855; Ord. 2.)

RULE 50. References to dates and folios of Registrar's book.

50. The entry of every such decree and order in such cause books shall contain a reference to the date and folio of the Registrar's book in which such decree or order shall have been entered. (30th Nov. 1855; Ord. 3.)

RULE 51. Limitation of application of Rules.

51. The last preceding three Rules of this Order shall not apply to any cause commenced before the first day of Michaelmas Term 1852. (30th Nov. 1855; Ord. 4.)

RULE 52. Applications to Court of Exchequer for

52. The Clerk of Records and Writs in whose division any cause transferred from the Court of Exchequer to the Court of Chancery may be, shall, upon request of any of

ORDER I. *Officers of the Court.*

the parties thereto, apply to the Court of Exchequer for the records or other documents in such cause not before brought into the Court of Chancery. (26th Oct. 1842; Ord. 30.)

documents, records, &c., in Exchequer Causes transferred into Chancery.

RULE 53. Certificate of proceedings in a cause or matter.

53. For the purpose of enabling all persons to obtain precise information as to the state of any cause or matter, and to take the means of preventing improper delay in the progress thereof, any Clerk of Records and Writs shall, at the request of any person, whether a party or not in the cause or matter inquired after, but on payment of the usual fee, give a certificate, specifying therein the dates and general description of the several proceedings which have been taken in such cause or matter in the Record and Writ Clerks' Office. (3rd Apr. 1828; Ord. 43. And see *infra*, p. 215.)

ORDER II. *Conveyancing Counsel of the Court.*

ORDER II.

CONVEYANCING COUNSEL OF THE COURT.

RULE 1. How and by whom business referred to Conveyancing Counsel, to be distributed.

1. The business to be referred to the Conveyancing Counsel nominated by the Lord Chancellor, under the Stat. 15 & 16 Vict. c. 80, s. 41, shall be distributed among such counsel in rotation by the first clerk to the Registrars for the time being, and during his occasional or necessary absence by the second clerk to the Registrars for the time being, and during the occasional or necessary absence of both such clerks, then by such one of the other clerks to the Registrars as the Senior Registrar for the time being may nominate for that purpose. (16th Dec. 1852; Ord. 1.)

RULE 2. Duty of person making the distribution.

2. The clerk making such distribution shall be responsible for the business being distributed according to regular and just rotation, and in such manner as to keep secret from all persons the rota or succession of Conveyancing Counsel to whom such business may be referred; and it shall be his

duty to keep a record of such references, with proper indexes, and to enter therein all such references, with the dates when the same are made. (16th Dec. 1852; Ord. 2.)

ORDER II. *Conveyancing Counsel of the Court.*

RULE 3. Proceedings for obtaining opinion, &c. of the Conveyancing Counsel.

3. When the Court or a Judge at Chambers directs any business to be referred to any such Conveyancing Counsel, a short memorandum or minute of such direction shall be prepared and signed, by the Registrar, if the same shall have been given in Court, or by the Judge's Chief Clerk, if given in Chambers; and the party prosecuting such direction, or his solicitor, shall take such memorandum or minute to the Registrar's Clerk whose duty it is to make such distribution as aforesaid; and such clerk shall add at the foot thereof a note specifying the name of the Conveyancing Counsel in rotation to whom such business is to be referred; and such memorandum or minute shall be left by the party prosecuting such direction, or his solicitor, with such Conveyancing Counsel, and shall be a sufficient authority for him to proceed with the business so referred. (16th Dec. 1852; Ord. 3.)

RULE 4. Inability or refusal of Counsel in rotation.

4. In case the Conveyancing Counsel in rotation shall from illness or from any other cause be unable or decline to accept any such reference, the same shall be offered to the other Conveyancing Counsel appointed as aforesaid, successively, according to their seniority at the Bar, until some one of them shall accept the same. (16th Dec. 1852; Ord. 4.)

RULE 5. Liberty to direct or transfer reference to any one of such Counsel.

5. The preceding Rules of this Order are not to interfere with the power of the Court, or of the Judge at Chambers, to direct or transfer a reference to any one in particular of the said Conveyancing Counsel, where it appears to the Court or the Judge to be expedient. (16th Dec. 1852; Ord. 5.)

ORDER III.
Solicitors and Parties acting in person, and Service on them respectively.

ORDER III.

SOLICITORS AND PARTIES ACTING IN PERSON, AND SERVICE ON THEM RESPECTIVELY.

RULE 1.
Solicitors and parties acting in person to perform duties formerly discharged by the sworn clerks and waiting clerks as solicitors.

1. The solicitors of this Court in all cases where the parties sue or defend by solicitors, and the parties themselves in all cases where they sue or defend in person, shall perform all such duties as were formerly performed by the sworn clerks and waiting clerks, as attorneys, solicitors, or agents of the parties, in relation to the several matters hereinafter mentioned, viz.:

The making out of writs.

The serving and being served with writs, notices, orders, warrants, and other documents, proceedings, and written communications, in causes and matters depending in Court.

The signing of elections and agreements to proceed at law or in equity.

The signing of petitions of re-hearing and appeal.

The entering of appearances and consents with the Registrar.

The signing of consents to petitions.

The tender and acceptance of costs.

The joining in commission and striking of commissioners' names.

The signing of notices by paupers,

And all other duties formerly performed by the sworn clerks and waiting clerks, as attorneys, solicitors, or agents of the parties in suits or matters in equity. (26th Oct. 1842; Ord. 16.)

RULE 2.
Solicitor to indorse his name or firm and place of business and address for service, and, where

2. Every solicitor of a party suing or defending by a solicitor shall cause to be written or printed upon every writ or summons which he shall sue out, and upon every bill, demurrer, plea, answer, or other pleading or proceeding, and all exceptions, which he may leave with the Clerks of Records and Writs to be filed, and upon all

ORDER III. *Solicitors and Parties acting in person, and Service on them respectively.*

instructions which he may give to the Clerks of Records and Writs for any appearance or other purpose, his name or firm, and place of business, and also (if his place of business shall be more than three miles from the Record and Writ Clerks' Office) another proper place, (to be called his address for service,) which shall not be more than three miles from the said office, where writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications, may be left for him. And where any such solicitor shall only be the agent of any other solicitor, he shall add to his own name or firm and place of business, the name or firm and place of business of the principal solicitor. (26th Oct. 1842; Ord. 17.)

he is only agent, the name or firm and place of business of the principal solicitor.

RULE 3. Change of solicitor.

3. A party suing or defending by a solicitor shall not be at liberty to change his solicitor in any cause or matter without an order of the Court for that purpose, which may be obtained by motion or petition as of course; and until such order is obtained and served, and notice thereof given to the Clerk of Records and Writs, the former solicitor shall be considered the solicitor of the party. (26th Oct. 1842; Ord. 18.)

RULE 4. Service, where there is no address for service.

4. Where a party sues or defends by a solicitor, and no address for service of such solicitor shall have been written or printed pursuant to the directions of the 2nd Rule of this Order, all writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications, not requiring personal service upon the party to be affected thereby, shall, unless the Court shall otherwise direct, be deemed sufficiently served upon such party, if served upon his solicitor at his place of business. But if an address for service of such solicitor shall have been written or printed as aforesaid, then all such writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications, shall be deemed sufficiently served upon such party, if left for his solicitor at such address for service. (26th Oct. 1842; Ord. 19.)

Where there is address for service.

RULE 5. Parties suing

5. Every party suing or defending in person shall cause

ORDER III. *Solicitors and Parties acting in person, and Service on them respectively.*

to be written or printed upon every writ which he shall sue out, and upon every bill, demurrer, plea, answer, or other pleading or proceeding, and all exceptions, which he may leave with the Clerks of Records and Writs to be filed, and upon all instructions which he may give to the Clerks of Records and Writs for any appearance or other purpose, his name and place of residence, and also (if his place of residence shall be more than three miles from the Record and Writ Clerks' Office), another proper place, (to be called his address for service,) which shall not be more than three miles from the said office, where writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications, may be left for him. (26th Oct. 1842; Ord. 20.)

or defending in person to indorse name and residence, and address for service.

RULE 6. Service, where there is no address for service.

6. Where a party sues or defends in person, and no address for service of such party shall have been written or printed pursuant to the directions of the 5th Rule of this Order, or where a party has ceased to have a solicitor, all writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications not requiring personal service upon the party to be affected thereby, shall, unless the Court shall otherwise direct, be deemed to be sufficiently served upon such party, if served upon him personally, or at his place of residence. But if an address for service of such party shall have been written or printed as aforesaid, then all such writs, notices, orders, summonses, warrants, and other documents, proceedings, and written communications, shall be deemed sufficiently served upon such party, if left for him at such address for service. (26th Oct. 1842; Ord. 21.)

Where there is address for service.

RULE 7. Service on town solicitor of person not a party.

7. Where a person who is not a party appears in any proceeding, either before the Court or in Chambers, service upon the solicitor in London, by whom such party appears, whether such solicitor act as principal or agent, shall be deemed good service, except in matters of contempt requiring personal service. (3rd April 1828; Ord 44.)

RULE 8. Service on defendant who

8. The plaintiff shall, without special leave of the Court, be at liberty to serve any notice of motion, or other

ORDER III. *Solicitors and Parties acting in person, and Service on them respectively.*

notice, or any petition or summons, personally or at the dwelling-house or office of any defendant, who, having been duly served with a copy of the bill, shall not have caused an appearance to be entered within the time limited for that purpose. (11th April 1842; Ord. 3.)

has not entered an appearance.

RULE 9. Notice of appearance, answer, demurrer, plea, or replication.

9. Where any solicitor or party causes an appearance to be entered, or an answer, demurrer, plea, or replication, to be filed, he shall, on the same day, give notice thereof to the solicitor of the adverse party, or to the adverse party himself, if he acts in person. (26th Oct. 1842; Ord. 23.)

RULE 10. Liability of solicitors signing certain documents.

10. Any solicitor signing any petition of rehearing or appeal, or any consent to a petition, or any notice of motion, or any proceeding or application to be made by a pauper, shall thereby become subject to all liabilities to which the sworn clerks were formerly subject in respect of such matters. (26th Oct. 1842; Ord. 25.)

RULE 11. Agreement by solicitor as to cause.

11. No agreement between any solicitors relating to any of their clients' causes shall be capable of being enforced, unless and until such agreement or some note or memorial thereof be put into writing and subscribed by the party who is to be bound thereby or his solicitor. (13th July 1685. 19th March 1697-8.)

ORDER IV.

ORDER IV. *Commissioners to administer Oaths in Chancery.*

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

Sphere of duty. Expression of time and place.

"The Commissioners to administer oaths in Chancery in England," shall not, within ten miles of Lincoln's Inn Hall, take any affidavits, pleas, answers, disclaimers, or acknowledgments of deeds or recognizances, or do any other act incident to their office. And every such Commissioner shall express the time when, and the place where, he shall take any

ORDER IV. *Commissioners to administer Oaths in Chancery.*

affidavit, plea, answer, or disclaimer, or the acknowledgment of any deed or recognizance: otherwise the same shall not be held authentical, nor be admitted to be filed or inrolled. And in like manner every such Commissioner shall express the time when, and the place where, he shall do any other act incident to his office. (9th Oct. 1656. 22nd May 1661; Sanders, 310. 21st Dec. 1833; Ord. 33. And as to these Commissioners, and as to "the London Commissioners to administer oaths in Chancery," see Stat. 16 & 17 Vict. c. 78.)

ORDER V. *Official Attendance and Vacations.*

ORDER V.

OFFICIAL ATTENDANCE AND VACATIONS.

RULE 1. Official attendance.

1. The several offices of the Court, except the offices of the Accountant-General and Taxing Masters, shall be open on every day of the year, except Sundays, Good Friday, Monday and Tuesday in Easter week, Christmas Day, and all days appointed by proclamation to be observed as days of general fast, humiliation, or thanksgiving. (8th May, 1845; Ord. 5.)

2. The offices of the Accountant-General and of the Taxing Masters shall be open on every day of the year, except the days specified in the 1st Rule of this Order, and except during vacations. (8th May 1845; Ord. 6.)

3. The office of the vacation-Taxing Master shall be open during the vacations on every day, except the days specified in the 1st Rule of this Order. (8th May, 1845; Ord. 7.)

RULE 4. Vacations.

4. The vacations to be observed in the several offices of the Court, except in the office of the Accountant-General, are to be four in every year, viz. the Easter vacation, the Whitsun vacation, the Long vacation, and the Christmas vacation; and

ORDER V. *Official attendance and Vacations.*

(1.) The Easter vacation shall commence and terminate on such days as the Lord Chancellor shall every year specially direct; ARTICLE (1.)

(2.) The Whitsun vacation shall commence on the third day after Easter term, and terminate on the second day before Trinity term in every year; ARTICLE (2.)

(3.) The Long vacation shall commence on the 10th day of August, and terminate on the 28th day of October, in every year; ARTICLE (3.)

(4.) The Christmas vacation shall commence on the 24th day of December in every year, and terminate on the 6th day of the following month of January; and ARTICLE (4.)

(5.) The days of the commencement and termination of each vacation shall be included in and reckoned part of such vacation. (8th May, 1845; Ord. 8.) ARTICLE (5.)

5. The vacations in the office of the Accountant-General shall be the same as in the other offices, except as to the Long vacation, which, in that office, shall commence and terminate on such days as the Lord Chancellor shall every year direct. (8th May 1845; Ord. 9.)

RULE 6. Lord Chancellor may vary times for attendance and vacations.

6. The Lord Chancellor may, from time to time, by special order, direct the offices to be closed on days other than those mentioned in the 1st Rule of this Order, and direct any of the vacations to commence and terminate on days different from the fixed days mentioned in the 4th Rule of this Order. (8th May 1845; Ord. 10.)

ORDER VI. *Selection of Court.*

ORDER VI.

SELECTION OF COURT.

RULE 1. How bills are to be marked.

1. Every original bill to be filed in the High Court of Chancery, shall (at the option of the plaintiff), be distinctly marked at or near the top or upper part thereof, either with the words "Lord Chancellor," or with the words "Master of the Rolls;" and if with the words "Lord Chancellor," then also with the name of one of the Vice-Chancellors for the time being, at the option of the plaintiff. And the Record and Writ Clerks shall, in the books and indexes in which the same shall be entered, add to the entry thereof such distinguishing words or mark as may make it appear from such entry whether the bill is marked with the words "Lord Chancellor," or with the words "Master of the Rolls," and if with the words "Lord Chancellor," then for which of the Vice-Chancellors the same is marked. And the cause (unless removed by some special order of the Lord Chancellor or Lords Justices) shall accordingly be attached to the Court of the Master of the Rolls, or to the Court of such Vice-Chancellor, as the case may be. And the Record and Writ Clerks shall not file any original bill which shall not be marked in the manner hereinbefore directed. (5th May 1837; Ord. 1. 29th Oct. 1851.)

RULE 2. How Record and Writ Clerk's certificate is to be marked.

2. The Record and Writ Clerk to whom it belongs to give or sign the certificate that a cause is ready for hearing, shall, upon being applied to for such certificate, see that the same certificate is marked, or cause the same to be marked, with the designation of the Judge to whose Court the cause is attached. (5th May 1837; Ord. 2. 11th Nov. 1841; Ord. 2.)

RULE 3. Causes not to be set down unless certificate be so marked.

3. The Registrars shall not set down to be heard any cause in which the certificate of the cause being ready for hearing shall not be marked in the manner hereinbefore directed. (5th May 1837; Ord 4.)

RULE 4. Before whom pleas, demur-

4. Unless otherwise directed by any special Order of the Lord Chancellor or the Lords Justices, every plea or

demurrer and all exceptions in any cause shall be set down to be heard before the Judge to whose Court the cause is attached, and every cause shall be set down to be heard in conformity with the manner in which the certificate of the same being ready for hearing is marked as hereinbefore directed. (5th May 1837; Ord. 6).

rers, exceptions, and causes shall be set down.

5. Save as hereinafter provided, all motions, petitions, rehearings otherwise than by way of appeal, and further proceedings in causes shall be had before the Judge to whose Court such causes are or shall be attached, unless removed therefrom by any special order of the Lord Chancellor or the Lords Justices. (5th May 1837; Ords. 9 & 12. 11th Nov. 1841; Ord. 5. 29th Oct. 1851; Ord. 7.)

RULE 5. Motions, petitions, rehearings and further proceedings in causes.

6. Every notice of motion not in any cause, and every petition not in any cause, and every petition or motion paper under the Stat. 13 & 14 Vict. c. 35, s. 19, shall be marked at or near the top or upper part thereof, in the same manner as a bill is now marked, with the name of the Lord Chancellor and one of the Vice-Chancellors or with the name of the Master of the Rolls; and every order made thereon shall be marked in the same manner as the said notice of motion, petition or motion paper; and the matter in which such order is made shall thenceforth be considered as attached to the Court of the Judge whose name shall be so marked upon such order, in like manner and for the like purpose as causes are attached to such Court, but shall be subject to be transferred from such Court in the same manner as causes are so transferred; and the provisions of the 5th and 11th Rules of this Order shall apply to every matter so attached. (2nd Nov. 1850; Ord. 27. 11th Nov. 1841; Ord. 6. 5th May, 1837; Ord. 16. 29th Oct. 1851; Ord. 7.)

RULE 6. How notices of motions and petitions not in any cause, and petitions, and motion papers, under Stat. 13 & 14 Vict. c. 35, s. 19, and orders thereon, are to be marked.

*7. Upon any Vice-Chancellor for the time being ceasing to hold his office, any cause or matter which shall then be attached to the Court of such Vice-Chancellor, shall, unless removed by any special order of the Lord Chancellor or Lords Justices, thenceforth be attached to the Court of his successor, as Vice-Chancellor for the time being.

RULE *7. Provision for the case of a Vice-Chancellor ceasing to hold his office.

ORDER VI. *Selection of Court.*

RULE 8. Registrars to keep distinct lists.

8. The Registrars shall keep distinct lists of the causes and other matters set down to be heard before each Judge. (11th Nov. 1841; Ord. 7.)

RULE 9. Application for orders of course.

9. All applications for orders of course to be obtained on petition or motion shall and may be made in the same manner, in all respects, as if the above Rules of this Order had not been made. (5th May 1837; Ord. 14.)

RULE 10. Applications to discharge, reverse, or alter orders of course.

10. Applications to discharge, reverse, or alter any order made on motion or petition of course by the Lord Chancellor, the Lords Justices, the Master of the Rolls, or one of the Vice-Chancellors, shall be made to the Judge to whom special applications in the cause or matter in which such order is made, ought to be made. (2nd Nov. 1850; Ord. 26.)

RULE 11. Applications for special orders during vacations.

11. In the interval between the close of the sittings after any term and the commencement of the sittings before or at the beginning of the next ensuing term, applications for special orders may be made to any judge of the Court in the same manner as if the above rules of this Order had not been made; but the orders which shall be made in any such interval by the Lord Chancellor or the Lords Justices, or by the Master of the Rolls, or by any of the Vice-Chancellors, shall,—if not made by the Judge to whom the application, if made during the ordinary sittings of the Court, would have been made pursuant to the directions contained in this Order,—be marked as having been made for such Judge, and shall in the future proceedings of the cause be deemed to be the order of such Judge, in all respects, save this,—that no order so made by one judge for another, under the circumstances aforesaid, shall be re-heard for the purpose of being discharged or varied, otherwise than by the Lord Chancellor or the Lords Justices. (5th May 1837; Ord. 15. 5th Aug. 1842.)

Proviso as to rehearing same.

RULE 12. Applications to stay proceedings on decree or order appealed from.

12. Every application to stay proceedings upon any decree or order which is appealed from, shall be made first to the Judge who pronounced the decree or order. (3rd April 1828; Ord. 46.)

ORDER VI. *Selection of Court.*

RULE 13. New trial of issue.

13. Every application for the new trial of any issue or question of fact directed by a Judge of this Court to be tried at law, shall be first made to the Judge who directed such issue or question of fact to be so tried. (3rd April 1828; Ord. 47.)

ORDER VII.

ORDER VII. *Parties, persons under disability, and paupers.*

PARTIES, PERSONS UNDER DISABILITY, AND PAUPERS.

I. *Parties Generally.*

RULE 1. Heir-at-law.

1. In suits to execute the trusts of a will, it shall not be necessary to make the heir-at-law a party; but the plaintiff shall be at liberty to make the heir-at-law a party, where he desires to have the will established against him. (26th Aug. 1841; Ord. 31.)

RULE 2. Parties jointly and severally liable.

2. Where the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the Court, as parties to a suit concerning such demand, all the persons liable thereto; but the plaintiff may proceed against one or more of the persons severally liable. (26th Aug. 1841; Ord. 32.)

II. *Infants and Persons of Unsound Mind.*

RULE 3. Default in appearing or answering, by an infant or person *non compos mentis.*

3. Where, upon default made by a defendant in not appearing to or not answering a bill, it appears to the Court that such defendant is an infant or a person of weak or unsound mind not so found by inquisition, so that he is unable of himself to defend the suit, the Court may, upon the application of the plaintiff, order that one of the solicitors of the Court be assigned guardian of such defendant, by whom he may appear to and answer or may appear to or answer the bill and defend the suit.

Assignment of solicitor as his guardian.

But no such order shall be made, unless it appears to the Court on the hearing of such application, that a copy of the

ORDER VII. *Parties, persons under disability, and paupers.*

bill was duly served in manner provided by the Stat. 15 & 16 Vict. c. 86, and that notice of such application was, after the expiration of the time allowed for appearing to or for answering the bill, and at least six clear days before the day in such notice named for hearing the application, served upon or left at the dwelling-house of the person with whom or under whose care such defendant was at the time of serving such copy of the bill, and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling-house of the father or guardian of such infant, unless the Court, at the time of hearing such application, shall dispense with such last-mentioned service. (8th May 1845; Ord. 32; and Ord. 16, Art. 48.)

RULE 4. Swearing plea or answer of infant.

4. Where a plea and answer or a plea or answer severally shall be brought to be sworn by the guardian of an infant, the same shall not be sworn until the order appointing such guardian shall be produced to the person before whom the same shall be sworn. (25th Oct. 1699.)

RULE 5. Service of notice of decree or order, in case of infants or persons of unsound mind.

5. Where any person required to be served with notice of a decree or order, pursuant to the 8th rule of the 42nd section of the Stat. 15 & 16 Vict. c. 86, is an infant or a person of unsound mind not found so by inquisition, the notice shall be served upon such person or persons and in such manner as the Judge to whose Court the cause is attached may direct. (1st June 1854; Ord. 5.)

RULE 6. Guardians *ad litem* for infants or persons of unsound mind who shall be served with notice of decree or order.

6. Guardians *ad litem* appointed for infants or persons of unsound mind not found so by inquisition, who shall be served with notice of any decree or order, shall be appointed in like manner as guardians *ad litem* to answer and defend are appointed in suits on bills filed. (1st June 1854; Ord. 6.)

RULE 7. Such guardians appointed during proceedings at Chambers.

7. At any time during the proceedings at any Judge's Chambers under any decree or order, the Judge may, if he shall think fit, require a guardian *ad litem* to be appointed for any infant or person of unsound mind not found so by inquisition, who has been served with notice of such decree or order. (1st June 1854; Ord. 7.)

ORDER VII. *Parties, persons under disability, and paupers.*

III. *Paupers.*

RULE 8. No person admitted to sue in *forma pauperis* without a certificate of counsel.

8. No person shall be admitted to prosecute any suit in this Court *in forma pauperis*, without a certificate of counsel, that he conceives the case to be proper for relief in this Court. (4th July 1688.)

RULE 9. Remuneration to counsel or solicitor.

9. After an admittance to sue or defend *in forma pauperis*, no fee, profit, or reward, shall be taken of the pauper by any counsel or solicitor, for the despatch of the pauper's business, during the time it shall depend in Court and he shall continue *in forma pauperis*; nor shall any agreement be made for any recompence or reward afterwards. And any person offending herein shall be deemed guilty of a contempt of Court; and the party admitted, who shall give any such fee or reward or make any such agreement, shall be from thenceforth dispaupered, and not be afterwards admitted again in that suit to sue or defend *in forma pauperis*. (22nd May 1661; Sanders, 312.)

RULE 10. Refusal of counsel and solicitor assigned.

10. The counsel or solicitor assigned by the Court to assist a person admitted *in forma pauperis*, either to sue or defend, may not refuse so to do, unless such counsel or solicitor satisfy the Judge who granted the admittance, with some good reason for his unwillingness to be so assigned. (22nd May 1661; Sanders 312.)

RULE *11. Process of contempt at the suit of a pauper, and notices of motion or petitions on his behalf.

*11. No process of contempt shall be issued at the instance of any person suing or defending *in forma pauperis*, until it be signed by his solicitor in the suit. And no notice of motion served or petition presented on behalf of any person admitted to sue or defend *in forma pauperis* (except for the discharge of his solicitor) shall be of any effect, nor shall any person served with such notice or petition be bound to appear thereon, unless such notice or petition be signed by the solicitor of such person so suing or defending. And such solicitor shall take care that no such process be taken out, and that no such notice or petition be served, needlessly or for vexation, but upon just and good grounds (22nd May 1661; Sanders, 313.)

ORDER VIII. *Pleadings and written proceedings generally.*

ORDER VIII.

PLEADINGS AND WRITTEN PROCEEDINGS GENERALLY.

RULE 1. Signature of counsel.

1. The Clerks of Records and Writs shall not file any bill, exceptions, demurrer, plea, answer, or disclaimer, unless the same be signed by counsel. (Henry V. Ord. 17; and 22nd May 1661; Sanders, 298, 300.)

RULE 2. Perusal by counsel.

Brevity.

Scandal.

2. No counsel shall sign any bill, answer, or other pleading, unless it be drawn, or, at least, perused, by himself before it be signed. And counsel shall take care that deeds, writings, or records, be not unnecessarily set out therein *in hæc verba;* but that so much of them only as is pertinent and material be set out or stated, or the effect and substance of so much of them only as is pertinent and material be given, as counsel may deem advisable, without needless prolixity; and that no scandalous matter be inserted therein. (22nd May 1661; Sanders, 296.)

RULE 3. Filing of proceedings.

3. No bill, answer, or other pleading, shall be said to be of record, or be of any effect in Court, until the same be filed in the office of the Clerks of Records and Writs. (22nd May 1661; Sanders, 297. 8th May 1673, Ord. 4.)

RULE *4. Abolition of claims.

*4. No claim shall be filed after the fourteenth day of February, 1860. (See note to the second Report of the Consolidators, *supra*, p. xv.)

ORDER IX. *Bills.*

ORDER IX.

BILLS.

I. *Bills generally.*

RULE 1. Value of subject matter.

1. Every suit, the subject matter of which is under the value of £10, shall be dismissed, unless it be instituted to establish a general right, or unless there shall be some other special circumstance, which, in the opinion of the Court, shall make it reasonable that such suit should be retained. (29th Jan. 1618—19; Ord. 15.)

ORDER IX. *Bills.*

RULE 2. Form of bill.

2. Bills may be in a form similar to the form set out in Schedule (A.) to these Orders, with such variations as the nature and circumstances of each particular case may require. (7th Aug. 1852, 1st Set, Ord. 14.)

Indorsement on bills.

* And Bills shall be indorsed in the manner set forth in the Schedule to the Stat. 15 & 16 Vict. c. 86, except that, instead of the words in the note, "you will be liable to be arrested and imprisoned," there shall be substituted the words, "The plaintiff may enter an appearance for you, and you will be liable to be arrested and imprisoned, and to have a decree made against you in your absence."

RULE *3. Mode of printing bills.

*3. Bills shall be printed on cream wove machine drawing foolscap folio paper, 19 lbs. per mill ream, in pica type, leaded, with an inner margin about three quarters of an inch wide, and an outer margin about two inches and a half wide. (7th Aug. 1852, 1st Set, Ord. 1.) And dates and sums occurring therein shall be expressed by figures instead of words.

RULE 4. Consequences of not filing a printed copy of a bill.

4. The Clerks of Records and Writs shall, at the expiration of fourteen days from the filing of any written bill or written copy of a bill, under the Stat. 15 & 16 Vict. c. 86, s. 1, take off the files of the Court, without further order, the bill or copy so filed, unless a printed copy thereof shall in the mean time have been filed. And the plaintiff in the suit, or his solicitor, who shall personally have undertaken to file such printed copy, shall pay to the defendant all the costs incurred by him in the suit; such costs to be taxed by the Taxing Master, without further order, upon production to him of the certificate of the Clerk of Records and Writs, that a printed copy of the bill has not been filed pursuant to such undertaking, and to be recoverable in like manner as costs ordered to be paid by a party in a suit to another party in a suit are recoverable. (7th Aug. 1852, 1st Set, Ord. 3.)

RULE 5. Defendant limited to ten copies.

5. No defendant shall be at liberty to demand from the plaintiff more than ten printed copies of his bill. (7th Aug. 1852, 1st Set, Ord. 6.)

RULE 6. Suits to perpetuate testimony.

6. Witnesses shall not be examined *in perpetuam rei memoriam*, unless a bill shall have been filed for the purpose. (29th Jan. 1618—19; Ord. 73. 12th Nov. 1556.)

ORDER IX. *Bills.*

7. No suit to perpetuate the testimony of witnesses shall be set down for hearing. (9th Nov. 1670.)

II. *Amendment of Bills.*

RULE 8. Order to amend before answer.

8. An order for leave to amend a bill may be obtained at any time before answer, upon motion or petition, without notice. (8th May 1845; Ord. 64.)

RULE 9. Clerical errors

9. An order for leave to amend a bill only for the purpose of rectifying some clerical error in names, dates, or sums, may be obtained at any time, upon motion or petition, without notice. (8th May 1845; Ord. 65.)

RULE 10. Time for order of course for leave to amend, where one answer.

10. Where there is a sole defendant, or where, there being several defendants, they all join in the same answer, the plaintiff may, after answer and before replication or undertaking to reply, obtain one order of course for leave to amend the bill, at any time within four weeks after the answer is to be deemed or is held to be sufficient. (8th May 1845; Ord. 16, Art. 32.)

RULE 11. Time for order of course for leave to amend, where more than one answer.

11. Where there are several defendants who do not join in the same answer, the plaintiff (if not precluded from amending, or limited as to the time of amending by some former order) may, after answer and before replication or undertaking to reply, at any time within four weeks after the last of the answers required to be put in is to be deemed or is held to be sufficient, obtain one order of course, for leave to amend his bill. (8th May 1845; Ord. 16, Art. 33.)

RULE 12. Order of course for leave to amend after notice of motion to dismiss.

12. Provided always that the plaintiff shall not obtain an order of course for leave to amend his bill after any defendant (being entitled to move) has served a notice of motion to dismiss the bill for want of prosecution. (13th April 1847.)

RULE 13. Order of course for leave to amend after answer.

13. No more than one order of course for leave to amend a bill shall be granted after an answer has been filed, unless in the case provided for by the 9th Rule of this Order. (8th May 1845; Ord. 66.)

RULE 14. Affidavit in support of special application to amend.

14. A special order for leave to amend a bill shall not be granted without affidavit to the effect,—1st, that the draft of the proposed amendments has been settled, approved, and

signed by counsel; and, 2ndly, that such amendment is not intended for the purpose of delay or vexation, but because the same is considered to be material for the case of the plaintiff. (8th May 1845; Ord. 67).

RULE 15. Where further affidavit required.

15. After the plaintiff has filed or undertaken to file a replication, or after the expiration of four weeks from the time when the answer, or the last of the answers required to be put in, is to be deemed or is held to be sufficient, a special order for leave to amend a bill shall not be granted without further affidavit, showing that the matter of the proposed amendment is material, and could not, with reasonable diligence, have been sooner introduced into such bill. (8th May 1845; Ord. 68.)

RULE 16. By whom such affidavits to be made.

16. Such affidavits as are mentioned in the 14th and 15th Rules of this Order shall be made by the plaintiff and his solicitor, or by the solicitor alone, in case the plaintiff, from being abroad or otherwise, is unable to join therein. (8th May 1845; Ord. 69.)

RULE 17. Time for amendment.

17. The plaintiff having obtained an order for leave to amend his bill, shall, in all cases in which no other time is limited by such order, have fourteen days after the date of the order within which he may amend such bill. (8th May 1845; Ord. 16, Art. 34.)

RULE 18. Mode of amending bill.

18. Where an amendment of a bill might formerly have been made without a new ingrossment thereof, a bill may be amended by written alterations in the printed bill which has been filed, and by additions on paper to be interleaved therewith, if necessary. (7th Aug. 1852, 1st Set, Ord. 7.) But where such amendment could not formerly have been made without a new ingrossment, it shall be made by a reprint of the bill.

RULE 19. Marking date of order to amend and of amendment on record.

19. Whenever any bill upon the file of this Court shall be amended, the record of such bill, when amended, shall be marked with the date of the order under which the same is so amended, and of the day on which such amendment is made, in manner and form following:—viz., "*Amended day of , by Order dated day of .*" And the

Entry of amendment,

ORDER IX. *Bills.*

with date of amendment and of order.

Date of filing.

usual entry of such amendment, together with the aforesaid date of making such amendment and the date of the order, shall be made in the Record and Writ Clerk's book. And such amended bill shall be deemed to be filed at and from the date of making such amendment. (12th May 1838.)

RULE 20. Service of amended bill.

20. A copy of an amended bill, whether upon an amendment by a reprint or by such alterations and additions as mentioned in the 18th Rule of this Order, shall be served upon the defendant or his solicitor; and such copy may be partly printed and partly written, if the amendment is not made by a reprint: and in every case the copy to be served shall be stamped with the proper stamp by one of the Clerks of Records and Writs, indicating the filing of such amended bill, and the date of the filing thereof. (7th Aug. 1852, 1st Set, Ord. 9.)

RULE 21. Service on the solicitor.

21. Service upon a defendant's solicitor of a copy of an amended bill, whether wholly printed or partly printed and partly written, shall be good service on such defendant. (7th Aug. 1852, 1st Set, Ord. 10. 8th May 1845; Ord. 26.)

RULE 22. Service at address for service.

22. Where a defendant has appeared in person to any bill, service at the address for service of such defendant of a copy of an amended bill, whether wholly printed or partly printed and partly written, shall be good service on such defendant. (7th Aug. 1852, 1st Set, Ord. 11.)

RULE 23. Limitation of operation.

23. The 3rd, 4th, 5th, 18th, 20th, 21st, and 22nd Rules of this Order shall not apply to bills filed before the 2nd day of November, 1852, though afterwards amended; and the practice existing immediately before that day, shall continue in force, with reference to the amendment of such bills. (7th Aug. 1852, 1st Set, Ord. 12.)

RULE 24. Default of amendment.

24. Where the plaintiff obtains an order for leave to amend his bill, and does not amend the same within the time thereby limited for that purpose, or, if no time is so limited, then, within fourteen days from the date of the order, such order to amend becomes void, and the cause, as to dismissal, stands in the same situation as if such order had not been made. (8th May 1845; Ord. 70.)

ORDER X.

SERVICE OF COPY OF BILL, AND APPEARANCE.

ORDER X. *Service of copy of Bill, and Appearance.*

RULE 1. Usual mode of service.

1. Service of every copy of a bill shall be effected by serving such copy personally, or by leaving the same with a servant of the defendant or some member of his family, at his dwelling-house or usual place of abode, unless the Court directs some other mode of service. (22nd May 1661; Sanders, 297.)

I. *In the Case of Parties generally.*

RULE 2. Substituted service.

2. The Court may direct substituted service of a copy of a bill to be served under the Stat. 15 & 16 Vict. c. 86, in cases in which, according to the practice of the Court, existing at the time of the passing of that Statute, substituted service of a *subpœna* to appear to and answer a bill might have been directed. (22nd May 1661; Sanders, 297.)

RULE 3. Time for appearance.

3. Where a defendant within the jurisdiction of the Court is served with a copy of a bill in manner provided by the Stat. 15 & 16 Vict. c. 86, s. 3, he must appear thereto within eight days after the service of such copy of the bill; otherwise an appearance may be entered for him, as provided by the next Rule of this Order. (8th May 1845; Ord. 16, Art. 3.)

RULE 4. Where appearance may be entered by plaintiff for defendant within jurisdiction.

4. Where any defendant, not appearing to be an infant or a person of weak or unsound mind, unable of himself to defend the suit, is, when within the jurisdiction of the Court, duly served with a copy of the bill, under the Stat. 15 & 16 Vict. c. 86, s. 3, and refuses or neglects to appear thereto within eight days after such service, the plaintiff may, after the expiration of such eight days, and within three weeks from the time of such service, apply to the Record and Writ Clerk to enter an appearance for such defendant; and, no appearance having been entered, the Record and Writ Clerk shall enter such appearance accordingly, upon being satisfied by affidavit that the copy of the bill was duly served. And after the expiration

ORDER X. *Service of copy of Bill, and Appearance.*

of such three weeks, or after the time allowed to such defendant for appearing has expired, in any case in which the Record and Writ Clerk is not hereby required to enter such appearance, the plaintiff may apply to the Court for leave to enter such appearance for such defendant; and the Court, being satisfied that the copy of the bill was duly served, and that no appearance has been entered for such defendant, may, if it so thinks fit, order the same accordingly. (8th May 1845; Ord. 29.)

RULE 5. Not if defendant an infant or *non compos mentis.*

5. Any appearance entered at the instance of the plaintiff for a defendant, who, at the time of the entry thereof, is an infant or a person of weak or unsound mind, unable of himself to defend the suit, is irregular and of no validity. (8th May 1845; Ord. 30.)

RULE 6. Where appearance may be entered by plaintiff for defendant absconding.

6. Where the Court is satisfied by sufficient evidence that any defendant has been within the jurisdiction of the Court at some time not more than two years before the bill was filed, and that such defendant is beyond the seas, or that, upon inquiry at his usual place of abode (if he had any), or at any other place or places where at the time when the bill was filed he might probably have been met with, he could not be found so as to be served with a copy of the bill, under the Stat. 15 & 16 Vict. c. 86, s. 3, and that in either case there is just ground to believe that such defendant has gone out of the realm or otherwise absconded to avoid being served with such copy of the bill or with other process, the Court may order that such defendant do appear at a certain day to be named in the order; and a copy of such order, together with a notice to the effect set forth at the end of this Rule, may, within fourteen days after such order made, be inserted in the "London Gazette," and be otherwise published as the Court shall direct. And where the defendant does not appear within the time limited by such order, or within such further time as the Court may appoint, there, on proof made of such publication of the said order, the Court may order an appearance to be entered for the defendant on the application of the plaintiff.

Notice.—"A. B., take notice, that if you do not appear pursuant to the above order, the plaintiff may enter an

appearance for you, and the Court may afterwards grant to the plaintiff such relief as he may appear to be entitled to on his own showing." (8th May 1845; Ord. 31.)

ORDER X. *Service of copy of Bill, and Appearance.*

7. Where a defendant in any suit is out of the jurisdiction of the Court,

RULE 7. Service of copy of bill and of interrogatories on defendant out of jurisdiction, and entering appearance for him.

(1.) The Court, upon application supported by such evidence as shall satisfy the Court in what place or country such defendant is or may probably be found, may order that a copy of the bill, under the Stat. 15 & 16 Vict. c. 86, s. 3, and, if an answer is required, a copy of the interrogatories, may be served on such defendant in such place or country or within such limits as the Court shall think fit to direct.

ARTICLE (1.)

(2.) Such order shall limit a time after such service within which such defendant is to appear to the bill; such time to depend on the place or country within which the copy of the bill is to be served. And where an answer is required, such order shall also limit a time within which such defendant is to plead, answer, or demur, or obtain from the Court further time to make his defence to the bill.

ARTICLE (2.)

(3.) At the time when such copy of the bill shall be served, the plaintiff shall also cause such defendant to be served with a copy of the order giving the plaintiff leave to serve such copy of the bill.

ARTICLE (3.)

(4.) And if, upon the expiration of the time for appearing, it be shown to the satisfaction of the Court that such defendant was duly served with such copy of the bill and with a copy of the order, the Court may, upon the application of the plaintiff, order an appearance to be entered for such defendant. (8th May 1845; Ord. 33.)

ARTICLE (4.)

8. Affidavits filed for the purpose of proving the service of a copy of a bill upon any defendant, shall state when, where, and how the same was served, and by whom such service was effected. (8th May 1845; Ord. 34.)

RULE 8. Affidavits of service.

9. A defendant, notwithstanding that an appearance may have been entered for him by the plaintiff, may afterwards

RULE 9. Appearance entered by de-

ORDER X. *Service of copy of Bill, and Appearance.*

fendant after appearance entered for him.

enter an appearance for himself in the ordinary way; but such appearance by such defendant shall not affect any proceeding duly taken or any right acquired by the plaintiff under or after the appearance entered by him, or prejudice the plaintiff's right to be allowed the costs of the first appearance. (8th May 1845; Ord. 36.)

RULE *10. Attachment, Messenger, and Serjeant-at-Arms to compel appearance.

*10. No attachment for want of appearance shall hereafter be issued, without a special order of the Court; and no order shall be made for a messenger, or for the Serjeant-at-Arms, to take the body of the defendant, for the purpose of compelling him to appear to the bill. (26th Aug. 1841; Ord. 7.)

II.—*In the case of Formal Parties.*

RULE 11. Service of copy of bill on formal parties.

11. Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, it shall not be necessary for the plaintiff to require such party, not being an infant, to appear to the bill; but the plaintiff shall be at liberty to serve such party, not being an infant, with a copy of the bill, whether the same be an original, or amended, or supplemental bill, without any indorsement requiring such party to appear thereto; and such bill, as against such party, shall pray that such party, upon being served with a copy of the bill, may be bound by all the proceedings in the cause. But this Rule shall not prevent the plaintiff from requiring a party against whom no account, payment, conveyance, or other direct relief is sought, to appear to the bill, or from prosecuting the suit against such party in the ordinary way, if he shall think fit. (26th Aug. 1841; Ord. 23.)

RULE 12. Memorandum of service of copy of bill to be entered.

12. Where a plaintiff serves a defendant with a copy of the bill under the 11th Rule of this Order, he shall cause a memorandum of such service and of the time when such service was made, to be entered in the Record and Writ Clerks' Office, first obtaining an order of the Court for leave to make such entry, which order shall be obtained upon motion without notice, upon the Court being satisfied

of a copy of the bill having been so served, and of the time when the service was made. (26th Aug. 1841; Ord. 24.)

ORDER X. *Service of copy of Bill, and Appearance.*

13. Where a defendant is served with a copy of the bill, under the 11th Rule of this Order, and a memorandum of such service is duly entered, and such defendant does not, within the time limited by the practice of the Court for that purpose, enter an appearance in common form, or a special appearance under the 15th Rule of this Order; the plaintiff shall be at liberty to proceed in the cause, as if the party served with a copy of the bill were not a party thereto, and the party so served shall be bound by all the proceedings in the cause, in the same manner as if he had appeared to and answered the bill. (26th Aug. 1841; Ord. 25.)

RULE 13. Effect of serving defendant with copy of bill.

14. Where a party served with a copy of the bill under the 11th Rule of this Order, desires the suit to be prosecuted against him in the ordinary way, he shall be entitled to have it so prosecuted; and in that case he shall enter an appearance in the common form, and the suit shall then be prosecuted against him in the ordinary way. But the costs occasioned thereby shall be paid by the party so appearing, unless the Court shall otherwise direct. (26th Aug. 1841; Ord. 26.)

RULE 14. Party served with copy of bill may enter common appearance, and have suit prosecuted in ordinary way. Costs.

15. Where a party served with a copy of the bill under the 11th Rule of this Order, desires to be served with a notice of the proceedings in the cause, but not otherwise to have the same prosecuted against himself, he shall be at liberty to enter a special appearance in the following form; (that is to say), "*A. B.* appears to the bill for the purpose of being served with notice of all proceedings therein." And thereupon, the party entering such appearance shall be entitled to be served with notice of all proceedings in the cause, and to appear thereon. But the costs occasioned thereby shall be paid by the party entering such appearance, unless the Court shall otherwise direct. (26th Aug. 1841; Ord. 27.)

RULE 15. Such party may enter special appearance, and be served with notice of all proceedings. Costs.

16. No party shall enter either a common or special appearance under the 14th or 15th Rule of this Order, after

RULE 16. Order for enter-

ORDER X. *Service of copy of Bill, and Appearance.*

the expiration of twelve days from the service of the copy of the bill, without first obtaining an order of the Court for that purpose; such order to be obtained on notice to the plaintiff, and to be granted, if the Court shall think fit, upon such terms as are just. And any party so entering such common or special appearance shall be bound by all the proceedings in the cause prior to such appearance being entered, unless the Court shall otherwise direct. (8th May 1845; Ord. 37; and Ord. 16, Art. 5.)

ing common or special appearance.

Party entering same bound by prior proceedings.

RULE 17. Time for service of copy of bill.

17. The service of a copy of a bill upon a defendant, under the 11th Rule of this Order, shall be of no validity if not made within twelve weeks from the filing of such bill, unless the Court shall give leave for such service to be made after the expiration of such twelve weeks. (8th May 1845; Ord. 16, Art. 2.)

RULE 18. Service out of time of copy of bill.

18. Where the plaintiff omits to serve any defendant with a copy of the bill under the 11th Rule of this Order, within twelve weeks from the filing of such bill, the Court may, if it shall think fit, upon the motion of the plaintiff, without notice, give the plaintiff leave to serve such defendant with such copy, within such time and upon such terms as to the Court shall seem just. (8th May 1845; Ord. 28.)

ORDER XI. *Interrogatories.*

ORDER XI.

INTERROGATORIES.

RULE 1. Form.

1. The interrogatories for the examination of the defendant to a bill may be in a form similar to the form set out in Schedule (B.), with such variations as the nature and circumstances of each particular case may require. (7th Aug. 1852, 1st Set, Ord. 15.)

RULE 2. Time for filing interrogatories.

2. Where the plaintiff requires an answer to any bill from any defendant or defendants thereto, the interrogatories for the examination of such defendant or defendants

shall be filed within eight days after the time limited for the appearance of such defendant or defendants. (7th Aug. 1852, 1st Set, Ord. 16.)

ORDER XI. *Interrogatories.*

RULE 3. Leave to file interrogatories after eight days.

3. After the expiration of eight days from the time limited for the appearance of any defendant, no interrogatories shall be filed for the examination of such defendant, without special leave of the Court or Judge in Chambers, to be applied for upon notice of motion or by summons. (7th Aug. 1852, 1st Set, Ord. 20.)

RULE 4. Delivery of interrogatories, where defendant appears in proper time.

4. Where a defendant or defendants required to answer shall appear in person or by his or their own solicitor or solicitors within the time limited for that purpose by the rules of the Court, the plaintiff shall, within eight days after the time allowed for such appearance, deliver to such defendant or defendants or to his or their solicitor or solicitors, a copy of the interrogatories so filed as aforesaid or of such of them as the particular defendant or defendants shall be required to answer. And the copy so to be delivered shall be examined with the original, and the number of folios counted by the Clerks of Records and Writs, who, on finding that such copy is duly stamped and properly written, shall mark the same as an office copy. (7th Aug, 1852, 1st Set, Ord. 17.)

Copy delivered to be examined and marked as an office copy.

RULE 5. Delivery of interrogatories, where defendant does not appear in proper time.

5. Where a defendant to a suit commenced by bill does not appear in person or by his own solicitor within the time allowed for that purpose by the rules of the Court, and the plaintiff files interrogatories for his examination, the plaintiff may deliver a copy of such interrogatories so examined and marked as aforesaid, to such defendant, at any time after the time allowed to such defendant to appear, and before his appearance in person or by his own solicitor; or the plaintiff may deliver a copy of such interrogatories so examined and marked as aforesaid, to the defendant or his solicitor, after the appearance of such defendant in person or by his own solicitor, but within eight days after such appearance. (7th Aug. 1852, 1st Set, Ord. 18.)

ORDER XII. *Process for want of answer.*

ORDER XII.

PROCESS FOR WANT OF ANSWER.

RULE 1. Attachment for want of answer.

1. Where there is just reason to believe that any defendant means to abscond before answering the bill, the Court may, on the *ex parte* application of the plaintiff, at any time after an appearance has been entered for him by the plaintiff, order an attachment for want of answer to issue against him; and such attachment shall be made returnable at such time as the Court shall direct. (8th May 1845; Ord. 72.)

RULE 2. Discharge of defendant in custody of Serjeant-at-Arms or messenger.

2. Where a defendant, being in custody of the Serjeant-at-Arms or of a messenger under an attachment for want of his answer, is not brought to the bar of the Court within ten days after he was taken into custody, he shall be discharged out of custody by the Serjeant-at-Arms or messenger in whose custody he is, without payment by him of the costs of his contempt, which in such case shall be paid by the plaintiff. But where such defendant does not put in his answer within eight days after such discharge, the plaintiff may cause a new attachment to be issued against him for want of his answer. (8th May 1845; Ord. 73.)

New attachment.

RULE 3. Discharge of defendant in prison.

3. Where a defendant is in prison under an attachment for not answering, or, being already in prison, is detained under such an attachment, and is not brought to the bar of the Court within thirty days from the time of his being actually in custody or detained (being already in custody) under such attachment, he shall be discharged from the process for want of answer under which he was arrested or detained by the sheriff, gaoler, or keeper of the gaol in whose custody he is, without payment of the costs of his contempt, which in such case shall be paid by the plaintiff. But if such defendant does not put in his answer within eight days after such discharge, the plaintiff may cause a new attachment to be issued against him for want of his answer. (8th May 1845; Ord. 74.)

New attachment.

ORDER XII. *Process for want of answer.*

RULE 4. Pauper defendant in custody for want of his answer.

4. Where a defendant is brought up in custody for want of his answer, and makes oath in Court that he is unable by reason of poverty to employ a solicitor to put in his answer, the Court, if not satisfied of the truth of that allegation, may direct an inquiry as to the truth thereof, and may appoint a solicitor to conduct such inquiry on the behalf of such defendant; and if it is ascertained by means of such inquiry, or if the Court is satisfied without such inquiry, that such defendant is unable by reason of poverty to employ a solicitor to put in his answer, the Court may assign a solicitor and counsel for such defendant to enable him to put in his answer. (8th May 1845; Ord. 75.)

Assignment of a solicitor and counsel.

RULE 5. Pauper prisoners in contempt.

5. Where application is intended to be made for the discharge of any prisoner in contempt, and for the payment out of the Suitors' Fund of the costs of such contempt, in pursuance of the provisions for that purpose contained in the Stat. 1 Will. IV. c. 36, notice in writing of such intended application shall be served upon the solicitor to the Suitors' Fund, two clear days at the least before the day upon which the application is intended to be made. And where an order is made under the said Act, or under the 4th Rule of this Order, directing an inquiry as to the fact of the poverty of any prisoner in contempt, notice in writing of such order and of every summons to proceed thereupon, shall be duly served upon the solicitor to the Suitors' Fund. (6th Dec. 1844.)

RULE 6. Sequestration on return *non est inventus* to attachment for want of answer.

6. Upon the sheriff's return, *non est inventus,* to an attachment issued against any defendant for not answering the bill, and upon affidavit made that due diligence was used to ascertain where such defendant was at the time of issuing such writ, and in endeavouring to apprehend such defendant under the same, and that the person suing forth such writ verily believed, at the time of suing forth the same, that such defendant was in the county into which such writ was issued, the plaintiff shall be entitled to a writ of sequestration. (26th Aug. 1841; Ord. 9.)

RULE 7. Resuming former process

7. Where a defendant, in contempt for want of answer, obtains, upon filing his answer, the common order to be dis-

ORDER XII. *Process for want of answer.*

of contempt, in case answer is insufficient.

charged as to his contempt, on payment or tender of the costs thereof, or the plaintiff accepts the costs without order, the plaintiff shall not be compelled, in case the answer is insufficient, to recommence the process of contempt against the defendant, but shall be at liberty to take up the process at the point to which he had before proceeded. (23rd Nov. 1831; Ord. 24. 3rd April 1828; Ord. 24.)

ORDER XIII. *Traversing note.*

ORDER XIII.

TRAVERSING NOTE.

RULE 1. To original bill, or supplemental bill, or bill amended before answer.

1. After the expiration of the time allowed to a defendant to plead, answer, or demur (not demurring alone) to any original or supplemental bill or bill amended before answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the plaintiff may file a note at the Record and Writ Clerks' Office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer, traversing the case made by the bill." (8th May 1845; Ord. 52.)

RULE 2. To bill amended after answer.

2. After the expiration of the time allowed to a defendant to plead, answer, or demur, (not demurring alone,) to a bill amended after answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the plaintiff may file a note at the Record and Writ Clerks' Office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer traversing the allegations introduced into the bill by amendment." (8th May 1845; Ord. 53.)

RULE 3. Where further answer not put in.

3. After the expiration of the time allowed to a defendant to put in his further answer to any bill, if, such defendant shall not have put in any further answer, the plaintiff may file a note at the Record and Writ Clerks' Office to the following effect:—"The plaintiff intends to

proceed with his cause as if the defendant had filed a further answer traversing the allegations in the bill whereon the exceptions are founded." (8th May 1845; Ord. 54.)

ORDER XIII. *Traversing note.*

4. Where a demurrer or plea to the whole bill is overruled, the plaintiff, if he does not require an answer, may immediately file his note in manner directed by the 1st and 2nd Rules of this Order, as the case may require, and with the same effect, unless the Court, upon overruling such demurrer or plea, gives time to the defendant to plead, answer, or demur; and in such case, if the defendant does not file any plea, answer, or demurrer within the time so allowed by the Court, the plaintiff, if he does not then require an answer, may, on the expiration of such time, file such note. (8th May 1845; Ord. 55.)

RULE 4. Where demurrer or plea to whole bill overruled.

5. A traversing note having been filed, a copy thereof shall be served on the defendant against whom the same was filed, in the manner directed by the 4th and 6th Rules of Order III., for the service of documents not requiring personal service. (8th May 1845; Ord. 56.)

RULE 5. Service of copy of traversing note.

6. The filing of a traversing note and the due service of a copy thereof shall have the same effect as if the defendant against whom such note is filed had filed a full answer or further answer traversing the whole bill or those parts of the bill to which the note relates, on the day on which the note was filed. (8th May 1845; Ord. 57.)

RULE 6. Effect thereof.

7. A defendant, after the service of the copy of a traversing note filed against him as aforesaid, shall not plead, answer, or demur to the bill, or put in any further answer thereto, without the special leave of the Court, and the cause shall stand in the same situation as if such defendant had filed a full answer or further answer to the bill on the day on which the note was filed. (8th May 1845; Ord. 58.)

RULE 7. After service thereof, defendant cannot plead, &c., without special leave.

ORDER XIV. *Demurrers and Pleas.*

ORDER XIV.

DEMURRERS AND PLEAS.

(See Order XXXVII. on *Time.*)

RULE 1. Demurrer ore tenus.

1. Where any grounds of demurrer are urged on arguing a demurrer, beyond the grounds therein expressed, and those grounds which are so expressed are disallowed, the defendant shall pay the same costs as if the demurrer were overruled, although the grounds of demurrer so newly urged may be allowed. (22nd May 1661; Sanders, 298.)

RULE 2. Pleas when upon oath.

2. A plea may be put in without oath, where the matter of the plea appears upon record; but where the matter of the plea does not appear upon record, the plea must be upon oath. (29th Jan. 1618-19; Ord. 58.)

RULE 3. Signature to pleas.

3. All pleas put in upon oath shall be signed by the parties swearing the same, and such signature shall be affixed or acknowledged by them in the presence of the persons before whom such oath shall be taken. (27th April 1748.)

RULE 4. Outlawry, how pleaded.

4. No plea of outlawry shall be allowed without pleading the record *sub pede sigilli.* (29th Jan. 1618-19; Ord. 59.)

RULE 5. Where plea of outlawry is good.

5. A plea of outlawry of the plaintiff, if it took place in an action as to the matter concerning which relief is sought by the bill, is insufficient. In other cases a plea of outlawry is a good plea, so long as the outlawry remains in force. But where the outlawry is reversed, the defendant, after receiving his costs in respect of the plea, shall answer the bill as if such outlawry had not existed. Where the plaintiff conceives such plea of outlawry, through mispleading or otherwise, to be insufficient, he may set it down for argument. (22nd May 1661; Sanders, 298.)

Where it may be set down for argument.

RULE 6. Plea of a former suit depending.

6. The dependency of a former suit for the same matter is a good plea. But where the plaintiff disputes the truth thereof, he may, on motion or petition of course, obtain an order for an inquiry as to the truth thereof. And such order, and a certificate in pursuance thereof, shall be obtained within one month after the filing of such plea: otherwise the defendant may obtain, as of course, an order to

dismiss the bill with costs. (22nd May 1661; Sanders, 299.)

RULE 7. Plea of a suit depending in another court.

7. Where, after a suit commenced in any inferior Court of Equity, a bill is exhibited in this Court to be relieved for the same matter, the dependency of the former suit shall be admitted as a good plea, and shall be proceeded on as in the case of a plea of a former suit depending in this Court for the same matter. (22nd May 1661; Sanders, 299.)

RULE 8. Demurrers and pleas not covering so much as they might.

8. No demurrer or plea shall be held bad and overruled upon argument, only because such demurrer or plea does not cover so much of the bill as it might by law have extended to. (26th Aug. 1841; Ord. 36.)

RULE 9. Demurrers and pleas covering a part to which the answer extends.

9. No demurrer or plea shall be held bad and overruled upon argument, only because the answer of the defendant extends to some part of the same matter as is covered by such demurrer or plea. (26th Aug. 1841; Ord. 37.)

RULE 10. Petitions for setting down plea or demurrer.

10. Every petition praying that a plea or demurrer may be set down to be argued, shall state whether the bill to which such plea or demurrer is put in is marked with the words "Lord Chancellor," or with the words "Master of the Rolls," and if with the words "Lord Chancellor," then to which of the Vice-Chancellors' Courts the cause is attached. (5th May 1837; Ord. 5.)

RULE 11. Setting down demurrers and pleas.

11. A demurrer or plea need not be entered with the Registrar; but upon the filing thereof by a defendant, either party is to be at liberty to set the same down for argument immediately. (8th May 1845; Ord. 44.)

RULE 12. Costs of overruling of plea or demurrer.

12. Where any plea or demurrer is overruled, the defendant shall pay to the plaintiff the taxed costs occasioned thereby, unless the Court shall otherwise direct. (3rd April 1828; Ord. 32.)

RULE 13. Costs on allowing demurrer.

13. Where a demurrer to the whole or part of a bill is allowed upon argument, the plaintiff, unless the Court shall otherwise direct, shall pay to the demurring party the costs of the demurrer, and where the demurrer is to the whole bill, the costs of the suit also. (8th May 1845; Ord. 45.)

ORDER XIV. *Demurrers and Pleas.*

RULE 14. Where demurrer to whole bill to be held sufficient, without being set down. Costs.

14. Where a demurrer to the whole bill is not set down for argument within twelve days after the filing thereof, and the plaintiff does not within such twelve days serve an order for leave to amend the bill, the demurrer shall be held sufficient to the same extent and for the same purposes, and the plaintiff shall pay to the demurring party the same costs, as in the case of a demurrer to the whole bill allowed upon argument. (8th May 1845; Ord. 46; and Ord. 16, Art. 17.)

RULE 15. Where demurrer to part of a bill to be held sufficient without being set down. Costs.

15. Where a demurrer to part of a bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not within such three weeks serve an order for leave to amend the bill, the demurrer shall be held sufficient to the same extent and for the same purposes, and the plaintiff shall pay to the demurring party the same costs, as in the case of a demurrer to part of a bill allowed upon argument. (8th May 1845; Ord. 47; and Ord. 16, Art. 18.)

RULE 16. Costs on allowing a plea. Dismissal of bill on allowing plea.

16. Where a plea to the whole or part of a bill is allowed upon argument, the plaintiff, unless he undertakes to reply to the plea, or unless the Court otherwise directs, shall pay to the party by whom the plea is filed the costs of the plea, and, where the plea is to the whole bill, the costs of the suit also: and in such last-mentioned case the order allowing the plea shall direct the dismissal of the bill. (8th May 1845; Ord. 48.)

RULE 17. Where plea to be held sufficient, without being set down for argument. Costs. Dismissal of bill when plea so held sufficient.

17. Where a plea to the whole or part of a bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not within such three weeks either serve an order for leave to amend the bill, or by notice in writing undertake to reply to the plea, the plea shall be held good to the same extent, and for the same purposes, and the same costs shall be paid by the plaintiff, as in the case of a plea to the whole or part of a bill allowed upon argument. And where the plea is to the whole bill, the defendant by whom such plea was filed may at any time after the expiration of such three weeks obtain as of course an order to dismiss the bill. (8th May 1845; Ord. 49; and Ord. 16, Art. 19.)

18. Where the plaintiff undertakes to reply to a plea to the whole bill, he shall not, without the special leave of the Court, take any proceeding against the defendant by whom the plea was filed till after replication. (8th May 1845; Ord. 50.)

ORDER XIV. *Demurrers and Pleas.*

RULE 18. Undertaking to reply to plea.

ORDER XV.

ORDER XV. *Answers.*

ANSWERS.

(See Order XXXVII. on *Time*.)

1. Answers may be in a form similar to the form set out in Schedule (C.), with such variations as the nature and circumstances of each particular case may require. (7th Aug. 1852, 1st Set, Ord. 21.)

RULE 1. Form of answer.

2. When a defendant denies a fact, he must traverse or deny it directly, and not by way of negative pregnant: As, for example, where he is interrogated whether he has received a sum of money, he must deny or traverse that he has received that sum, or any part thereof, or else set forth what part he has received. And so where a fact is alleged, with divers circumstances, the defendant must not deny or traverse it literally, as it is alleged in the bill, but must answer the point of substance positively and certainly. (22nd May 1661; Sanders, 299.)

RULE 2. Denial of a fact.

3. A defendant shall not be bound to answer any statement or charge in the bill, unless specially and particularly interrogated thereto. And a defendant shall not be bound to answer any of the interrogatories for the examination of the defendants, except those interrogatories which such defendant is required to answer. And where a defendant answers any statement or charge in the bill, to which he is not interrogated, only by stating his ignorance of the matter so stated or charged, such answer shall be deemed impertinent. (26th Aug. 1841; Ord. 16.)

RULE 3. Defendant not bound to answer except to interrogatories which he is required to answer. Statement of ignorance of matter as to which he is not interrogated.

4. A defendant shall be at liberty by answer to decline answering any interrogatory or part of an interrogatory, from answering which he might have protected himself by

RULE 4. Defendant by answer declining to answer.

ORDER XV. *Answers.*

demurrer; and he shall be at liberty so to decline, notwithstanding he shall answer other part of such interrogatory or other interrogatories from which he might have protected himself by demurrer, or other parts of the bill as to which he was not interrogated. (26th Aug. 1841; Ord. 38.)

RULE 5. Signature.

5. All answers shall be signed by the parties swearing the same, and such signature shall be affixed or acknowledged in the presence of the persons before whom the same are sworn. (27th April 1748.)

RULE 6. Oath.

6. Unless the Court shall otherwise direct, the answers of all persons, (except persons entitled to the privilege of peerage, or corporations aggregate,) shall be put in upon the oath of the parties putting in the same, where they are not exempted from taking an oath by any statute in that behalf. Persons entitled to the privilege of peerage may answer upon protestation of honour, and corporations aggregate shall put in their answer under their common seal. (26th Oct. 1842; Ord. 7. 31st Dec. 1640. 26th May 1685.)

ORDER XVI. *Exceptions.*

ORDER XVI.

EXCEPTIONS.

RULE 1. Mode of objecting for insufficiency.

1. When a plaintiff excepts to an answer for insufficiency, he shall take his exceptions in writing, signed by counsel. (22nd May 1661; Sanders, 300.)

RULE 2. Mode of objecting to scandal.

2. No pleading or other matter depending before the Court shall be set down for hearing for scandal, unless exceptions are taken in writing and signed by counsel, describing the particular passages which are alleged to be scandalous. (2nd Nov. 1850; Ord. 23.)

RULE 3. Exceptions to be filed, and notice given.

3. Where any exceptions for scandal or insufficiency are taken, the solicitor of the party taking the same, or the party himself where he acts in person, shall leave such exceptions at the Record and Writ Clerks' Office to be filed, and shall on the same day give notice of the filing

thereof to the solicitor for the opposite party, or to the opposite party himself where he acts in person. (26th Oct. 1842; Ord. 5 and 24.)

ORDER XVI. *Exceptions.*

4. In deciding on the sufficiency or insufficiency of any answer or examination, the relevancy or materiality of the statement or question referred to shall be taken into consideration. (3rd April, 1828; Ord. 74.)

RULE 4. Relevancy or materiality to be considered.

5. No order shall be made for leave to file exceptions *nunc pro tunc*. (2nd Nov. 1850; Ord. 6.)

RULE 5. Filing exceptions *nunc pro tunc*.

6. After the filing of an answer, the plaintiff shall have six weeks within which he may file exceptions thereto for insufficiency. Where he does not file exceptions within six weeks, such answer on the expiration of the six weeks shall be deemed sufficient. (2nd Nov. 1850; Ord. 8.)

RULE 6. Time for filing exceptions for insufficiency.

7. No exceptions for insufficiency shall be taken to an answer after replication. (29th Jan. 1618-19; Ord. 62.)

RULE 7. No exceptions after replication.

8. When a defendant desires to prevent exceptions to his answer for insufficiency being set down for hearing, he shall have for that purpose only eight days after the filing of such exceptions within which he may submit to the same. (2nd Nov. 1850; Ord. 9.)

RULE 8. Time for submission to exceptions.

*9. Where a defendant, not being in contempt, submits to exceptions to his answer for insufficiency before the plaintiff has set them down for hearing, he shall have fourteen days from the date of the submission within which he is to put in his further answer to the bill. (2nd Nov. 1850; Ord. 10.)

RULE *9. Time for further answer, where exceptions submitted to before they are set down.

10. Exceptions to answers for insufficiency, or to any pleading or other matter depending before the Court for scandal, shall be set down for hearing by the Registrar, at the request of the party filing the same, upon the production of a certificate of the Clerk of Records and Writs of the filing of such exceptions, or (in the case of exceptions to an answer for insufficiency) of the filing of a further answer, and the same shall be advanced and put in the paper for hearing on an early day; and the party setting down any such exceptions shall, on the day on which the same shall be so set down, serve a notice thereof on the party whose

RULE 10. Preliminaries to setting down exceptions.

ORDER XVI. *Exceptions.*

pleading or other matter is excepted to; otherwise the exceptions shall be deemed not set down. (2nd Nov. 1850; Ord. 12.)

RULE 11. Earliest time for setting down exceptions for insufficiency.

11. Where the plaintiff files exceptions for insufficiency to a defendant's answer, the plaintiff shall not set them down for hearing before the expiration of eight days from the filing of such exceptions, unless in a case of election he shall be required by notice in writing from such defendant to set them down in four days pursuant to the 6th Rule of Order XLII. (2nd Nov. 1850; Ord. 11.)

RULE 12. Latest time for setting them down.

12. Where the plaintiff files exceptions for insufficiency to an answer, he shall set them down for hearing after the expiration of eight days, but within fourteen days from the filing of such exceptions; otherwise the answer, on the expiration of such fourteen days, shall be deemed sufficient. (2nd Nov. 1850; Ord. 14.)

RULE 13. Time for setting down the old exceptions.

13. After exceptions to an answer for insufficiency have been filed, and a further answer has been put in, the plaintiff shall have fourteen days from the filing of such further answer within which he may set down the old exceptions. Where the old exceptions are not set down within fourteen days after such further answer has been put in, the answer shall, on the expiration of such fourteen days, be deemed sufficient. (2nd Nov. 1850; Ord. 16.)

RULE 14. Time for further answering after exceptions are set down.

14. Where, after exceptions to an answer for insufficiency are set down for hearing, a defendant, not being in contempt, submits to answer, or where the Court holds the first or second answer to be insufficient, the Court may appoint the time within which such defendant shall put in his further answer. (2nd Nov. 1850; Ord. 17, 21.)

RULE 15. Default in further answering.

15. After the allowance of or submission to exceptions to an answer for insufficiency, a defendant shall answer within the time allowed or appointed as aforesaid. And where he does not answer within the time so allowed or appointed, or obtain further time and answer within such further time, the plaintiff may sue out process of contempt against such defendant. (8th May 1845; Ord. 27. 2nd Nov. 1850; Ord. 17.)

ORDER XVI. *Exceptions.*

RULE 16. Where answer deemed sufficient.

16. The answer of a defendant shall be deemed sufficient—

(1.) Where no exceptions for insufficiency are filed thereto within six weeks after the filing of such answer. ARTICLE (1.)

(2.) Where, exceptions being filed, the plaintiff does not set them down for hearing within fourteen days after the filing thereof. ARTICLE (2.)

(3.) Where, within fourteen days after the filing of a further answer, the plaintiff does not set down the old exceptions. (2nd Nov. 1850; Ord. 18.) ARTICLE (3.)

RULE 17. Notice of particular matter to which further answer required.

17. Where, after a defendant's second or third answer is filed, the plaintiff sets down the old exceptions for insufficiency, the particular exception or exceptions to which he requires a further answer shall be stated in the notice of setting down such exceptions. (2nd Nov. 1850; Ord. 19.)

RULE 18. From what time answer to be deemed sufficient or insufficient.

18. Where, upon the hearing of exceptions, the answer is held sufficient, it shall be deemed to be so from the date of the order made on the hearing; and where the defendant submits to answer without an order from the Court, the answer shall be deemed insufficient from the date of the submission. (2nd Nov. 1850; Ord. 20.)

RULE 19. Third insufficient answer.

19. Upon a third answer being held to be insufficient, the Court may order the defendant to be examined upon interrogatories to the points as to which it is held to be insufficient, and to stand committed until he shall have perfectly answered the interrogatories; and the defendant shall pay such costs as the Court shall think fit to award. (2nd Nov. 1850; Ord. 22.)

Costs.

RULE 20. Time for setting down exceptions for scandal.

20. Where any person having filed exceptions for scandal to any pleading or other matter depending before the Court, does not set the same down for hearing within six days after the filing thereof, such exceptions shall be considered as abandoned; and the person by whom such exceptions were filed shall pay to the opposite party such costs as may have been incurred by such party in respect of such exceptions. (2nd Nov. 1850; Ord. 24.)

Costs.

RULE 21. Expunging scandalous matter.

21. Upon the production of an order allowing exceptions for scandal to any pleading or other matter depending

ORDER XVI. *Exceptions.*

before the Court, the officer having the custody or charge of such pleading or other matter shall expunge from such pleading or other matter such parts thereof as the Court shall have held to be scandalous. (2nd Nov. 1850; Ord. 25.)

ORDER XVII. *Replication and joining issue.*

ORDER XVII.

REPLICATION AND JOINING ISSUE.

RULE 1. Replication even where no answer.

1. Where a defendant is not required to answer and does not answer the bill, so that under the Stat. 15 & 16 Vict. c. 86, s. 26, he is to be considered as having traversed the case made by the bill, issue shall nevertheless be joined by filing a replication in the form or to the effect of the replication set forth at the end of this Order. (7th Aug. 1852, 1st Set, Ord. 28.)

RULE 2. Abolition of *subpœna* to rejoin. One replication. Form thereof. How issue joined.

2. No *subpœna* to rejoin shall hereafter be issued; and only one replication shall be filed in each cause, unless the Court shall otherwise direct; and the replication shall be in the form set forth at the end of this Order, or as near thereto as circumstances admit and require; and upon the filing of such replication the cause shall be deemed to be completely at issue; and each defendant may, without any rule or order, proceed to verify his case by evidence; and the plaintiff may in like manner proceed to verify his case by evidence as soon as notice of the replication being filed has been duly served on all the defendants who have filed an answer or plea, or against whom a traversing note has been filed, or who have not been required to answer and have not answered the bill. (8th May 1845; Ord. 93.)

Form of Replication.

"Between A. B. - - - Plaintiff,

"and

"C. D., E. F., G. H., &c. - Defendants.

"The plaintiff in this cause hereby joins issue with the defendant C. D." [*all the defendants who have answered or*

pleaded, or against whom a traversing note has been filed, or who have not been required to answer and have not answered the bill], "and will hear the cause on bill and answer against the defendant E. F." [*all the defendants against whom the cause is to be heard on bill and answer*], "and on the order to take the bill as confessed against the defendant G. H." [*as the case may be.*]

ORDER XVII. *Replication and joining issue.*

ORDER XVIII.

ORDER XVIII. *Affidavits.*

AFFIDAVITS.

RULE 1. To be expressed in the first person.

1. All affidavits shall be taken and expressed in the first person of the deponent. (8th May 1845; Ord. 126.)

RULE 2. No costs allowed when not so expressed.

2. Any solicitor, party, or person filing an affidavit not taken and expressed in the first person of the deponent shall not be allowed the costs of preparing and filing such affidavit in any taxation of costs. (8th May 1845; Ord. 128.)

RULE 3. Sources of knowledge to be stated.

3. All affidavits, whether to be used at the hearing of a cause or on any other proceeding before the Court, shall state distinctly what facts or circumstances deposed to are within deponent's own knowledge, and his means of knowledge, and what facts or circumstances deposed to are known to or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are. (13th Jan. 1855; Ord. 8 and 10.)

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RULE 4. Costs where sources of knowledge not stated.

4. The costs of affidavits not in conformity with the preceding Rule, shall be disallowed on taxation, unless the Court shall otherwise direct. (13th Jan. 1855; Ord. 9.)

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RULE 5. Filing of affidavits.

5. Before any affidavit is exhibited in Court or otherwise produced for the purpose of grounding any order, writ, process, or proceeding thereon, such affidavit shall be filed in the office of the Clerks of Records and Writs. And no order grounded upon an affidavit shall be drawn up unless the affidavit be first so filed, and an office copy thereof be produced. (15th Nov. 1660.)

ORDER XIX. *Evidence generally.*

ORDER XIX.

EVIDENCE GENERALLY.

RULE 1. Extent to which evidence is to be entered into.

1. When the defendant has answered, the plaintiff shall carefully consider the answer, and if he finds that upon the answer alone, without further proof, there is sufficient ground for a final order or decree, he shall proceed upon the answer without entering into evidence. Or if it is needful to prove a particular point, he shall not enter into evidence as to other points that are not necessary to be proved. In the first case, if he enters into evidence at all, and in the second case, if he enters into evidence as to such other points, he will render himself liable to pay the costs thereof. (22nd May 1661; Sanders, 299.)

Costs.

RULE 2. Hearing on bill and answer.

2. Where a cause is heard upon bill and answer, the answer must be admitted to be true in all points, and no other evidence shall be admitted, unless it be matter of record to which the answer refers, and which is proveable by the record. (29th Jan. 1618-19; Ord. 64. 22nd May 1661; Sanders, 300.)

RULE 3. As to taking evidence orally or by affidavit.

Abrogated by s. of Feb. 1. 1861

3. It shall not be competent for the plaintiff or any defendant to require, by notice or otherwise, that the evidence to be adduced in a cause shall be taken orally: but when issue shall have been joined in any cause, the plaintiff and defendants respectively shall be at liberty to verify their respective cases, either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses, before one of the examiners of the Court, or before an examiner to be specially appointed by the Court. (13th Jan. 1855; Ord. 4.)

RULE 4. Decrees and depositions in other Courts.

4. Decrees in other Courts may be read upon the hearing, without an order. But no depositions taken in any other Court shall be read, unless by order. (29th Jan. 1618, 19; Ord. 71.)

RULE 5. Depositions in another cause.

5. Where either party, plaintiff or defendant, obtains an order to use depositions of witnesses taken in another cause, the opposite party may likewise use the same without

motion, unless upon special reason, shown to the Court by the party obtaining such order, the opposite party be prohibited by the same order from so doing. (22nd May 1661; Sanders, 304.)

RULE *6. Reading answer to cross bill for discovery, or to interrogatories for plaintiff's examination.

*6. Where a defendant in equity files a cross bill for discovery only against the plaintiff in equity, or exhibits interrogatories for his examination, the answer to such cross bill or interrogatories may be read and used by the party filing such cross bill or exhibiting such interrogatories, in the same manner, and under the same restrictions, as the answer to a bill praying relief may be read and used. (26th Aug. 1841; Ord. 42.)

RULE 7. Notice of witness to be examined.

7. The solicitor for the party examining any witness before one of the Examiners or a special examiner, shall serve the usual notice in writing, containing the name and description of such witness, upon the solicitor of the opposite party in the cause. (26th Oct. 1842; Ord. 26.)

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RULE 8. Time for his re-examination.

8. The re-examination of a witness shall immediately follow his cross-examination, and shall not be delayed to a future period. (7th Aug. 1852, 1st Set, Ord. 35.)

RULE 9. Notice of examination or cross-examination of a witness.

9. Any party in any cause or matter requiring the attendance of any witness, whether a party or not, before an Examiner, for the purpose of being examined, or for the purpose of being cross-examined either on an affidavit or on oral testimony, shall give to the opposite party forty-eight hours' notice at least of his intention to examine or cross-examine such witness, and of the time and place of such examination or cross-examination, unless the Court shall in any case think fit to dispense with such notice. (7th Aug. 1852, 1st Set, Ord. 34, 36, 37.)

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RULE 10. Application of orders to evidence taken after the hearing.

10. The above Rules with reference to the examination, cross-examination, and re-examination of witnesses, shall extend and be applicable to evidence taken in any cause subsequently to the hearing thereof. (7th Aug. 1852, 1st Set, Ord. 38.)

RULE 11. Special directions as to evidence after the hearing.

11. The practice of the Court with respect to evidence before the hearing, when applied to evidence to be taken before an Examiner in any cause subsequently to the hearing,

ORDER XIX. *Evidence generally.*

shall be subject to any special directions which may be given in any particular case. (16th Oct. 1852; Ord. 25.)

RULE 12. Affidavit or deposition before issue joined.

12. No affidavit or deposition filed or made before issue joined in any cause, shall, without special leave of the Court, be received at the hearing thereof, unless within one month after issue joined, or within such longer time as may be allowed by special leave of the Court, notice in writing shall have been given by the party intending to use the same, to the opposite party, of his intention in that behalf. (13th Jan. 1855; Ord. 6.)

RULE 13. Closing of evidence.

Abrogated by order of Feb. 1861

13. The evidence on both sides in any cause to be used at the hearing thereof, whether taken upon affidavit or orally (and including the cross-examination and re-examination of any witness or witnesses), shall be closed within eight weeks after issue joined therein, unless enlarged by special order; except that any witness who has made an affidavit intended to be used by any party to such cause at the hearing thereof shall be subject to cross-examination within one month after the expiration of such period of eight weeks, or other period till which the time for closing the evidence shall have been enlarged. (13th Jan. 1855; Ord. 5.)

RULE 14. Mode of administering oaths.

14. Oaths shall be administered in a reverent manner. (10th April 1676.)

ORDER XX. *Preliminary Accounts and Inquiries.*

ORDER XX.

PRELIMINARY ACCOUNTS AND INQUIRIES.

Where it appears that certain preliminary accounts and inquiries must be taken and made before the rights and interests of the parties to the cause can be ascertained, or the questions therein arising can be determined, the plaintiff shall be at liberty, at any time after the defendants shall have appeared to the bill, to move the Court on notice, that such inquiries and accounts shall be taken and made; and an order directing such inquiries

and accounts shall thereupon be made, without prejudice to any question in the cause, if it shall appear to the Court that the same will be beneficial to such (if any) parties to the cause as may not be competent to consent thereto, and that the same is consented to by such (if any) of the defendants as being competent to consent have not put in their answer to the bill, and that the same is consented to by, or is proper to be made upon the statements contained in the answers of, such (if any) of the defendants as have answered the bill. (9th May 1839; Ord. 5.)

ORDER XX. *Preliminary Accounts and Inquiries.*

ORDER XXI.

ORDER XXI. *Setting Down and Hearing.*

SETTING DOWN AND HEARING.

1. Within four weeks after the evidence has been closed, the plaintiff shall set down his cause and obtain and serve a *subpœna* to hear judgment. If he does not, any defendant, after the expiration of such four weeks, may either move to dismiss the bill for want of prosecution, or may set the cause down at his own request, and may obtain a *subpœna* to hear judgment, and serve the same on the plaintiff. (8th May 1845; Ord. 16, Art. 45, and Ord. 116.)

RULE 1. Time for setting down, and serving *subpœna*. Consequence of default.

2. All causes required to be heard shall be set down for hearing by the Registrars, upon production to them of the certificate of the proper officer that the same are in a fit state to be set down for hearing. (23rd Feb. 1850.)

RULE 2. Preliminary to setting down causes.

3. No *subpœna* to hear judgment shall be sealed, unless the Clerk of Records and Writs who seals the same has a note from the Registrar of the day on which the same is to be made returnable. And the Registrar shall not give any such note until the cause is set down for hearing. (18th Feb. 1621—22. 28th May 1623. 30th June 1626. Hil. Term 1646—7; Ord. 2. 8th May 1673; Ord. 8. 25th June 1658.)

RULE 3. Preliminary to *subpœna* to hear judgment.

ORDER XXI. *Setting Down and Hearing.*

RULE 4. Causes set down and *subpœna* returnable out of term.

4. Causes may be set down for hearing, and the *subpœnas* to hear judgment served and returnable on any day, as well out of term as in term. (23rd Nov. 1831; Ord. 82.)

RULE 5. When *subpœna* returnable and served.

5. A *subpœna* to hear judgment shall not be returnable at any time less than one month from the *teste* of the writ; and it shall be served at least ten days before the return thereof. (8th May 1845; Ord. 16, Art. 46.)

RULE 6. Advancement of foreclosure causes.

6. Foreclosure causes, when ready for hearing, may be ordered to be advanced for hearing, under the same circumstances and subject to the same rules as other causes may be ordered to be so advanced. (9th May 1839; Ord. 4.)

RULE 7. Abatement or compromise after setting down.

7. Where any cause becomes abated or is compromised after the same is set down to be heard, the solicitor for the plaintiff shall certify the fact, as the case may be, to the Registrar, who shall cause an entry thereof to be made in the cause-book opposite to the name of such cause. (3rd April 1828; Ord. 39.)

RULE 8. Causes abated or standing over.

8. Where any cause shall have been standing for one year in the Cause Book, marked as "abated," or standing over generally, such cause shall, at the expiration of the year, be struck out of the Cause Book. (22nd Aug. 1859; Ord. 19.)

RULE 9. Preliminary to setting down causes for further directions and on equity reserved, and pleas, demurrers, and exceptions to Masters' Reports.

9. All causes for further directions, or on equity reserved after a trial at law shall have been had in pursuance of a decree or order pronounced by the Lord Chancellor, the Lords Justices, the Master of the Rolls, or one of the Vice-Chancellors, and all pleas, demurrers, and exceptions to Masters' Reports required to be heard before the Lord Chancellor, the Lords Justices, the Master of the Rolls, or one of the Vice-Chancellors, shall be set down by the Registrars for hearing, on orders drawn up by them upon petition to the Lord Chancellor to be left with the Registrar, or on orders drawn up by one of the Secretaries at the Rolls upon petition of course to the Master of the Rolls, as the case may be. (23rd Feb. 1850.)

RULE 10. Preliminary to setting down causes for further consideration.

10. When any cause shall, at the original or any subsequent hearing thereof, have been adjourned for further consideration, such cause may, after the expiration of eight

days and within fourteen days from the filing of the certificate of the Chief Clerk of the Judge to whose Court the cause is attached, be set down by the Registrar in the cause-book for further consideration, on the written request of the solicitor for the plaintiff or party having the conduct of the cause; and after the expiration of such fourteen days the cause may be set down by the Registrar on the written request of the solicitor for the plaintiff or for any other party; and the request to set down the cause may be in the form or to the effect firstly set forth at the end of this Rule; but the cause, when so set down, shall not be put into the paper for further consideration until after the expiration of ten days from the day on which the same was so set down, and shall be marked in the cause-book accordingly. And notice thereof shall be given to the other parties in the cause at least six days before the day for which the same may be so marked for further consideration; and such notice may be in the form or to the effect secondly set forth at the end of this Rule. (4th March 1853.)

Form of Request.

IN CHANCERY.

A. *v.* B.

I request that this cause, the further consideration whereof was adjourned by the Order of the
day of , may be set down for further consideration before His Honor the

Dated, &c. C. D.

Solicitor for

Form of Notice.

IN CHANCERY.

A. *v.* B.

Take notice that this cause, the further consideration whereof was adjourned by the Order of the
day of , was, on the day of

ORDER XXI. *Setting Down and Hearing.*

set down for further consideration before His Honor the for the day of

Dated, &c. C. D.

Solicitor for

To Mr.

Solicitor for

RULE 11. Solicitors to attend at the hearing.

11. The solicitors for the several parties in all causes and matters shall attend in Court when such causes and matters are appointed to be heard and during the hearing thereof. (18th Jan. 1815.)

RULE 12. Cause deferred through neglect of solicitor.

12. Where, upon the hearing of any cause or other matter, it appears that the same cannot conveniently proceed, by reason of the solicitor for any party having neglected to attend personally or by some proper person on his behalf, or having omitted to deliver any paper necessary for the use of the Court, and which according to its practice ought to have been delivered, such solicitor shall personally pay to all or any of the parties such costs as the Court shall think fit to award. (3rd April 1828; Ord. 36.)

RULE 13. No pleas, &c. to stand over indefinitely.

13. No pleas, demurrers, exceptions, causes, further directions, further considerations, rehearings or appeals shall be allowed to stand over to an indefinite period. (29th Jan. 1835.)

ORDER XXII. *Taking Bills pro Confesso.*

ORDER XXII.

TAKING BILLS PRO CONFESSO.

I. *Preliminary Proceedings.*

RULE 1. Notice of motion that bill be taken *pro confesso* after attachment for want of answer.

1. Upon the execution of an attachment for want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may cause such defendant to be served with a notice of motion to be made on some day not less than three weeks after the day of such service, that the bill may be taken *pro confesso* against such defendant; and thereupon, unless such defendant has in the meantime

put in his answer to the bill, or obtained further time to answer the same, the Court, if it so think fit, may order the bill to be taken *pro confesso* against such defendant, either immediately, or at such time and upon such terms and subject to such conditions as under the circumstances of the case the Court shall think proper. (8th May 1845; Ord. 76, and Ord. 16, Art. 49.)

RULE 2. Where defendant not answering shall be deemed to have absconded to avoid process, or to have refused to obey process.

2. Where any defendant, whether within or not within the jurisdiction of the Court, does not put in his answer in due time after appearance entered by or for him, and the plaintiff is unable, with due diligence, to procure a writ of attachment or any subsequent process for want of answer to be executed against such defendant, by reason of his being out of the jurisdiction of the Court, or being concealed, or for any other cause, then such defendant shall, for the purpose of enabling the plaintiff to obtain an order to take the bill *pro confesso*, be deemed to have absconded to avoid or to have refused to obey the process of the Court. (8th May 1845; Ord. 77.)

RULE 3. Notice of motion that bill be taken *pro confesso*, where such defendant has appeared for himself.

3. Where any defendant who, under the 2nd Rule of this Order, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, appears in person or by his own solicitor, the plaintiff may serve upon such defendant or his solicitor a notice, that on a day in such notice named (being not less than fourteen days after the service of such notice), the Court will be moved that the bill may be taken *pro confesso* against such defendant; and the plaintiff must, upon the hearing of such motion, satisfy the Court that such defendant ought, under the provisions of the 2nd Rule of this Order, to be deemed to have absconded to avoid or to have refused to obey the process of the Court; and the Court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the bill to be taken *pro confesso* against such defendant, either immediately, or at such time or upon such further notice as under the circumstances of the case the Court may think proper. (8th May 1845; Ord. 78.)

ORDER XXII. *Taking Bills pro Confesso.*

RULE 4. Or, where he has had appearance entered for him.

4. Where any defendant who, under the 2nd Rule of this Order, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, has had an appearance entered for him under the 4th, 6th, or 7th Rule of Order X., and does not afterwards appear in person or by his own solicitor, the plaintiff may cause to be inserted in the "London Gazette" a notice, that on a day in such notice named (being not less than four weeks after the first insertion of such notice in the "London Gazette"), the Court will be moved that the bill may be taken *pro confesso* against such defendant; and the plaintiff must, upon the hearing of such motion, satisfy the Court that such defendant ought, under the provisions of the 2nd Rule of this Order, to be deemed to have absconded to avoid or to have refused to obey the process of the Court, and that such notice of motion has been inserted in the "London Gazette" at least once in every entire week (reckoned from Sunday morning to Saturday evening) which shall have elapsed between the time of the first insertion thereof and the time for which the said notice is given; and the Court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the bill to be taken *pro confesso* against such defendant, either immediately, or at such time or upon such further notice as under the circumstances of the case the Court may think proper. (8th May 1845; Ord. 79.)

RULE 5. Defendant in custody submitting to have the bill taken *pro confesso.*

5. Any defendant, being in custody for want of his answer, and submitting to have the bill taken *pro confesso* against him, may apply to the Court, upon motion with notice to be served on the plaintiff, to be discharged out of custody; and thereupon the Court may order the bill to be taken *pro confesso* against such defendant, and may order him to be discharged out of custody upon such terms as appear to be just, unless it appears from the nature of the plaintiff's case, or otherwise to the satisfaction of the Court, that justice cannot be done to the plaintiff without discovery or further discovery from such defendant. (8th May 1845; Ord. 80.)

II. *Hearing—Decree.*

RULE 6. Hearing.

6. No cause in which an order is made that a bill be taken *pro confesso* against a defendant shall be heard on the same day on which the order is made; but the cause shall be set down to be heard, and the Court, if it so think fit, may appoint a special day for the hearing thereof. (8th May 1845; Ord. 81.)

RULE 7. Rights of defendant at hearing.

7. A defendant against whom an order to take a bill *pro confesso* is made may appear at the hearing of the cause; and where he waives all objection to the order, but not otherwise, he may be heard to argue the case upon the merits as stated in the bill. (8th May 1845; Ord. 82.)

RULE 8. Decree where absolute.

8. Upon the hearing of a cause in which a bill has been ordered to be taken *pro confesso*, such decree shall be made as to the Court shall seem just; and in the case of any defendant who has appeared at the hearing and waived all objection to such order to take the bill *pro confesso*, or against whom the order has been made after appearance by himself or his own solicitor or upon notice served on him or after the execution of a writ of attachment against him, the decree shall be absolute. (8th May 1845; Ord. 83.)

RULE 9. Power to order receiver, or sequestration, and payment to plaintiff.

9. In pronouncing the decree, the Court may, either upon the case stated in the bill, or upon that case and a petition presented by the plaintiff for the purpose, as the case may require, order a receiver of the real and personal estate of the defendant against whom the bill has been ordered to be taken *pro confesso* to be appointed with the usual directions, or direct a sequestration of such real and personal estate to be issued, and may (if it appear to be just) direct payment to be made out of such real or personal estate of such sum of money as at the hearing or any subsequent stage of the cause the plaintiff shall appear to be entitled to; provided that unless the decree be absolute, such payment shall not be directed without security being given by the plaintiff for restitution, in case the Court should afterwards think fit to order restitution to be made. (8th May 1845; Ord. 84.)

ORDER XXII. *Taking Bills pro Confesso.*

10. A decree founded on a bill taken *pro confesso* is to be passed and entered as other decrees. (8th May 1845; Ord. 85.)

RULE 10. Passing and entering decree.

11. After a decree founded on a bill taken *pro confesso* has been passed and entered, an office copy thereof shall (unless the Court shall dispense with service thereof) be served on the defendant against whom the order to take the bill *pro confesso* was made, or his solicitor; and where the decree is not absolute under the 8th Rule of this Order, such defendant or his solicitor shall be at the same time served with a notice to the effect that if such defendant desires permission to answer the plaintiff's bill and set aside the decree, application for that purpose must be made to the Court within the time specified in the notice, or that otherwise such defendant will be absolutely excluded from making any such application. (8th May 1845; Ord. 86.)

RULE 11. Service of copy of decree and notice as to application for leave to answer and set aside decree, where not absolute under the 8th Rule.

12. Where such notice as is mentioned in the 11th Rule of this Order is to be served within the jurisdiction of the Court, the time therein specified for such application to be made by the defendant shall be three weeks after service of such notice; but where such notice is to be served out of the jurisdiction of the Court, such time shall be specially appointed by the Court on the *ex parte* application of the plaintiff. (8th May 1845; Ord. 87.)

RULE 12. Time for making application.

13. No proceeding shall be taken, and no receiver appointed under the decree nor any sequestrator under any sequestration issued in pursuance thereof shall take possession of or in any manner intermeddle with any part of the real or personal estate of a defendant, and no other process shall issue to compel performance of the decree, without leave of the Court, to be obtained on motion with notice served on such defendant or his solicitor, unless the Court shall dispense with such service. (8th May 1845; Ord. 88.)

RULE 13. Leave of Court before execution of decree.

14. Any defendant waiving all objection to the order to take the bill *pro confesso*, and submitting to pay such costs as the Court may direct, may, before inrolment of the decree, have the cause reheard upon the merits stated in

RULE 14. Rehearing.

the bill; the petition for rehearing being signed by counsel as other petitions for rehearing. (8th May 1845; Ord. 89.)

ORDER XXII. *Taking Bills pro Confesso.*

RULE 15. Where a decree not absolute under the 8th Rule, may be made absolute.

15. Where a decree is not absolute under the 8th Rule of this Order, the Court may order the same to be made absolute on the motion of the plaintiff, made,

ARTICLE (1.)

(1.) After the expiration of three weeks from the service of a copy of the decree on a defendant, where the decree has been served within the jurisdiction.

ARTICLE (2.)

(2.) After the expiration of the time limited by the notice provided for by the 11th Rule of this Order, where the decree has been served without the jurisdiction.

ARTICLE (3.)

(3.) After the expiration of three years from the date of the decree, where a defendant has not been served with a copy thereof.

And such order may be made either on the first hearing of such motion, or on the expiration of any further time which the Court may on the hearing of such motion allow to the defendant for presenting a petition for leave to answer the bill. (8th May 1845; Ord. 90.)

RULE 16. Application for leave to answer bill, where decree not absolute under the 8th or the 15th Rule.

16. Where the decree is not absolute under the 8th Rule, and has not been made absolute under the 15th Rule of this Order, and a defendant has a case upon merits not appearing in the bill, he may apply to the Court by petition, stating such case, and submitting to such terms with respect to costs and otherwise as the Court may think reasonable, for leave to answer the bill; and the Court, if satisfied that such case is proper to be submitted to the judgment of the Court, may, if it think fit, and upon such terms as seem just, vacate the inrolment (if any) of the decree, and permit such defendant to answer the bill; and where permission is so given to put in an answer, leave may be given to file a separate replication to such answer, and issue may be joined, and witnesses examined, and such proceedings had as if the decree had not been made and no proceedings against such defendant had been had in the cause. (8th May 1845; Ord. 91.)

ORDER XXII. *Taking Bills pro Confesso.*

RULE 17. Representatives of parties.

New interests.

17. The rights and liabilities of any plaintiff or defendant under a decree made upon a bill taken *pro confesso* shall extend to the representatives of any deceased plaintiff or defendant, and to any persons claiming under any person who was plaintiff or defendant at the time when the decree was pronounced. And with reference to the altered state of parties and any new interests acquired, the Court may, upon motion or petition served in such manner and supported by such evidence as under the circumstances of the case the Court may deem sufficient, permit any party or the representative of any party to file such bill, or adopt such proceedings as the nature and circumstances of the case require, for the purpose of having the decree (if absolute) duly executed, or for the purpose of having the matter of the decree (if not absolute) duly considered, and the rights of the parties duly ascertained and determined. (8th May 1845; Ord. 92.)

ORDER XXIII. *Decrees and orders.*

ORDER XXIII.

DECREES AND ORDERS.

RULE 1. Meaning of the words "The Judge," "The Taxing Master," "The Clerk of Records and Writs," as used in any special order.

1. In any decree or order where the words "The Judge" are used, such expression shall mean the Judge to whose Court the cause or matter wherein such decree or order is made is for the time being attached. Where the words "The Taxing Master" are used, such expression shall mean the Taxing Master in rotation, or, in case any previous reference shall have been made, the Taxing Master to whom the cause or matter stands referred, as the case may be; and where the words "The Clerk of Records and Writs" are used, such expression shall mean the Clerk of Records and Writs in whose division the cause or matter wherein such order is made, is. (22nd Aug. 1859; Ord. 18.)

RULE 2. Contents of decrees and orders.

2. It shall not be necessary in drawing up any decree or order, to insert the year of the Sovereign, or to recite any of the pleadings or any part of the petition or notice of

motion, as the case may be, or any previous decree or order in the cause or matter, or any report, certificate, affidavit, or other document that has been, or before the decree or order is completed shall be, filed or recorded in the Court; but it shall be sufficient to refer thereto; save only that in matters of contempt, or where the decree or order varies from some general rule, and in such other cases as the Court shall direct or the Registrar shall in his discretion see fit, the Registrar shall make such short recitals as may be necessary to show the grounds on which the decree or order is granted. (12th April 1853. 21st Dec. 1833; Ord. 27.)

ORDER XXIII. *Decrees and orders.*

RULE 3. Money, securities, or effects to be specified in words at length.

3. Where any sums of money or any securities or other effects belonging to the suitors of the Court are directed to be paid into or deposited in the Bank, with the privity of the Accountant-General, or to be paid out, or invested in the purchase of stocks, funds, or securities; or where any stocks, funds, or shares are directed to be transferred into the name and with the privity of the Accountant-General, or to be transferred out of Court, carried over, or delivered out, the exact sum of money, the amount of the stocks, funds, shares, or securities, and the particulars of the effects so to be paid in, transferred, or deposited, or so to be paid out, invested, transferred out, carried over, or delivered out, shall be ascertained by the Registrar and specified and expressed in the decree or order, in words written at length; except in the case of residues or shares of residues of money, stocks, funds, or securities remaining after a portion directed to be applied for particular purposes, the amount of which cannot be ascertained at the time of making the decree or order; in which cases the amount of such residues or shares of residues shall be verified by affidavit, without any direction for that purpose in the decree or order, unless such residues or shares shall be certified by the Taxing Master, who shall be at liberty to certify the same without a direction for that purpose in such decree or order. (21st Dec. 1833; Ord. 28. 22nd Aug. 1859; Ord. 12.)

Ascertaining residues and shares of residues.

RULE 4. Residues to be

4. Where a residue of cash, stocks, funds, shares, or securities is directed by any decree or order to be operated

ORDER XXIII. *Decrees and orders.*

verified, and specified in words at length.

upon by the Accountant-General, the exact amount of such residue, where the same can be done, shall (if required by the Registrar) be verified by affidavit to be produced to the Registrar, and shall be expressed and specified in the decree or order in words at length, so that the amount of such residue may appear on the face of the decree or order. (21st Dec. 1833; Ord. 28. 7th Dec. 1839.)

RULE 5. Description of persons by or to whom money, securities, or effects are to be paid, &c.

5. All persons, whether representatives or others, who are directed to pay into, or deposit in, the Bank, any sum of money, securities, or other effects with the privity of the Accountant-General, or to transfer any stocks, funds, or shares into his name and with his privity, and all persons, whether representatives or others, to whom any sums of money, stocks, funds, shares, securities, or other effects are directed to be paid out, transferred, carried over, or delivered out, shall, except in the case of bodies corporate, companies, or societies, be described by name in the decree or order, and not merely as plaintiffs or petitioners or the like, unless such payments, transfers, carryings over, or deliveries are directed to be made to or by representatives, and no probate or letters of administration shall have been taken out at the time of making such decree or order. And the christian names and surnames or titles of honour of all such persons, and the titles of all such bodies corporate, companies, and societies, shall be written at length and without abbreviations in such decrees or orders. (21st Dec. 1833; Ord. 28.)

RULE 6. Time for payment of periodical payments to be specified at length.

6. In all decrees or orders directing the payment of interest, dividends, annuities, or other periodical payments, the time when the first of such payments, and when all subsequent periodical payments, whether quarterly, half-yearly, yearly, or otherwise, shall be made, shall be specified and expressed in words at length. (21st Dec. 1833; Ord. 28.)

RULE 7. Where amounts may be stated in a Schedule to an order.

7. Where any stocks, funds, shares, or securities, standing in the name of the Accountant-General, in trust in or to the credit of any cause, matter, or account, or any part thereof, are or is directed to be divided and transferred or delivered out of Court to or among several persons, or to

be carried over to several separate accounts; and where any money is directed to be paid out to or among several persons, or carried over to several separate accounts, the Registrar shall be at liberty, where it shall appear to him to be more convenient so to do, to state the respective amounts of such stocks, funds, shares, securities, or money to be so transferred, paid, or carried over, in a Schedule at the foot of the decree or order; and it shall be sufficient to refer to such Schedule in the mandatory part of the decree or order; but in every such case, the total amount of the stocks, funds, shares, securities, or money, respectively, to be dealt with in such Schedule, shall be stated in words at length in the mandatory part of the decree or order. (22nd Aug. 1859; Ord. 15.)

ORDER XXIII. *Decrees and orders.*

RULE 8. Direction as to payment of a proportion of interest or dividends to personal representatives of tenant for life.

8. Where, upon or after the death of any person to whom the interest or dividends of any stocks, funds, shares, or securities standing in the name of the Accountant-General, in trust in or to the credit of any cause, matter, or account, or any part of such interest or dividends, were or was payable for life, an order is made for the sale, transfer, or delivery of such stocks, funds, shares, or securities, or for payment of the interest or dividends to accrue due thereon subsequently to the death of such person; the same order shall also provide for the payment to the legal personal representatives of such person, of such proportion of the interest or dividends on such stocks, funds, shares, or securities, as shall have accrued between the last period of payment, and the day of his death, unless the Court or Judge shall be of opinion that such legal personal representatives are not entitled thereto, or shall for any other reason otherwise direct. (22nd Aug. 1859; Ord. 11.)

RULE 9. Legacy or succession duty on fund in Court.

9. Every decree or order whereby the Accountant-General is directed to pay or transfer any fund or part of any fund in respect of which any duty shall be payable to the revenue under the Acts relating to legacy or succession duty, shall, unless such decree or order expressly provides for the payment of the duty, also direct the Accountant-General to have regard to the circumstance that such duty

ORDER XXIII. *Decrees and orders.*

is payable. And where by any decree or order any carrying over to a separate account of any fund in respect of which any such duty may be chargeable is directed, the words, "subject to legacy duty," or "subject to succession duty," as the case may be, shall be added to the title of the account. And in order the better to provide security against the payment or transfer by the Accountant-General of any fund chargeable with any such duty, without the duty being first paid, the Accountant-General, on receiving notice from the proper officer that the duty is payable, shall cause a memorandum to be made in his books in conformity with such notice; and the Accountant-General, before executing any decree or order directing the payment or transfer of any fund or part of any fund in respect of which any such duty shall be payable, shall require the production of the official receipt for the duty, or a certificate from the proper officer of the payment of the duty, chargeable in respect of any such fund or any part thereof respectively, by any such decree or order directed to be paid or transferred. (9th March 1854.)

RULE 10. Decrees and orders to state the time for doing the act required. Memorandum of consequences on copy served.

10. Every decree or order made in any suit or matter, requiring any person to do an act thereby ordered, shall state the time, or the time after service of the decree or order, within which the act is to be done; and upon the copy of the decree or order which shall be served upon the person required to obey the same, there shall be indorsed a memorandum in the words or to the effect following, viz.:—"If you, the within-named A. B., neglect to obey this decree [*or* order] by the time therein limited, you will be liable to be arrested under a Writ of Attachment issued out of the High Court of Chancery, or by the Serjeant-at-Arms attending the same Court, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same decree [*or* order]." (18th July 1857; amending 12th Ord. of 11th April 1842.)

RULE 11. Decree saving the rights of absent parties.

11. Where a defendant, at the hearing of a cause, objects that a suit is defective for want of parties, and has not by plea or answer taken the objection, and therein specified by

name or description the parties to whom the objection applies, the Court, if it shall think fit, may make a decree saving the rights of the absent parties. (26th Aug. 1841; Ord. 40.)

ORDER XXIII. *Decrees and orders.*

12. Where a defendant makes default at the hearing of a cause, the decree shall be absolute in the first instance, without giving the defendant a day to show cause; and such decree shall have the same force and effect as if the same had been a decree *nisi* in the first instance, and afterwards made absolute in default of cause shown by the defendant. (26th Aug. 1841; Ord. 44.)

RULE 12. Decree on default of defendant.

13. If the plaintiff, after the cause is set down to be heard, causes the bill to be dismissed on his own application, or if the cause is called on to be heard in Court and the plaintiff makes default, and by reason thereof the bill is dismissed, such dismissal, unless the Court shall otherwise direct, shall be equivalent to a dismissal on the merits, and may be pleaded in bar to another suit for the same matter. (8th May 1845; Ord. 117.)

RULE 13. Dismissal on plaintiff's application or default.

14. Every decree or order for an account of the personal estate of a testator or intestate shall contain a direction for an inquiry what parts (if any) of such personal estate are outstanding or undisposed of, unless the Court shall otherwise direct. (26th Aug. 1841; Ord. 45.)

RULE 14. Inquiry as to personalty outstanding or undisposed of.

15. Where by any decree or order, whether made in Court or in Chambers, any accounts are directed to be taken or inquiries to be made, each direction shall be numbered, so that, as far as may be, each distinct account and inquiry may be designated by a number, and such decree or order may be in the form set forth in Schedule (D), with such variations as the circumstances of the case may require. (16th Oct. 1852; Ord. 8.)

RULE 15. Directions as to accounts and inquiries to be numbered.

16. In taking any account directed by any decree or order, all just allowances shall be made, without any direction for that purpose in such decree or order. (22nd Aug. 1859; Ord. 16.)

RULE 16. Just allowances.

17. With a view to the convenience of the suitors and their solicitors, and for the purpose of diminishing the ex-

RULE 17. Drawing up, passing, and

ORDER XXIII. *Decrees and orders.*

entering, of orders of course at the Rolls.

pense of orders on petitions of course which according to the practice of the Court may be presented to the Master of the Rolls, one of the secretaries of the Master of the Rolls shall, upon any such petitions of course (except upon petitions for setting down causes to be reheard) which shall be presented to his Honor, instead of answering such petitions, draw up the orders thereon in such form as the Master of the Rolls shall from time to time direct, every such order to be signed as passed with the initials of such secretary; and the under secretary shall enter, or cause to be entered, every such order in a book to be kept at the secretary's office at the Rolls for that purpose, and shall then mark and sign such order with his initials, as entered; and the suitors of the Court and their solicitors shall have access to the said book, during office hours, without the payment of any fee. And every such order so to be made as aforesaid, shall have the same force and effect as orders of course passed by the Registrars have. (21st Dec. 1833; Ord. 29.)

RULE 18. Time for motion to add to a decree.

18. The time within which a party served with notice of a decree under the Stat. 15 & 16 Vict. c. 86, s. 42, may apply to the Court to add to the decree, shall be one month after such service. (7th Aug. 1852, 1st Set, Ord. 40.)

RULE 19. Service of notice of decree to be entered.

19. A memorandum of the service upon any person of notice of the decree in any suit under the 8th Rule of the same section, shall be entered in the office of the Clerks of Records and Writs, upon due proof by affidavit of such service. (7th Aug. 1852, 1st Set, Ord. 41.)

RULE 20. How such notice entitled and indorsed.

20. Notice of a decree or order served pursuant to the 8th Rule of the same section shall be entitled in the cause, and there shall be indorsed thereon a memorandum in the form or to the effect following, that is to say, "Take notice, that, from the time of the service of this notice, you [*or, as the case may be*, the infant, or person of unsound mind,] will be bound by the proceedings in the above cause in the same manner as if you [*or*, the said infant, or person of unsound mind] had been originally made a party to the suit; and that you [*or*, the said infant, or person of

unsound mind] may, by an order of course, have liberty to attend the proceedings under the within-mentioned decree [*or*, order]; and that you [*or*, the said infant, or person of unsound mind] may, within one month after the service of this notice, apply to the Court to add to the decree [*or*, order]." (1st June 1854; Ord. 8.)

RULE 21. Clerical mistakes or accidental slips.

21. Clerical mistakes in decrees or orders, or errors arising from any accidental slip or omission, may at any time before inrolment be corrected upon motion or petition, without the form and expense of a rehearing. (3rd April 1828; Ord. 45.)

RULE 22. Breach of conditional decree or order.

22. Where any person who has obtained any decree or order upon condition, does not perform or comply with such condition, he shall be considered to have waived or abandoned such decree or order so far as the same is beneficial to himself; and any other person interested in the matter may, on breach or non-performance of the condition, take either such proceedings as the decree or order may in such case warrant, or such proceedings as might have been taken if no such decree or order had been made, unless the Court shall otherwise direct. (8th May 1845; Ord. 119.)

RULE 23. Filing of petition, &c., before order made.

23. No order made on a petition, and no order to make a submission to arbitration or an award an order of the Court, and no decree or order wherein any written admissions of evidence are entered as read, shall be passed, until the original petition, submission to arbitration, award, or written admissions of evidence, shall have been filed in the Report Office, and a note thereof made on the decree or order by the Clerk of Reports. (21st Dec. 1833; Ord. 27. 26th April 1647. 27th May 1687.)

RULE 24. Contents of inrolment.

24. For the purpose of diminishing expense in the inrolment of decrees and orders, no part of the statements or allegations contained in any bill, answer, petition, notice of motion, affidavit, report, or certificate, shall be recited or stated in any such inrolment, but it shall be sufficient to state in such inrolment the filing of the bill or petition, or service of the notice of motion, with the names of the parties thereto, together with the prayer of the bill or petition, or the

ORDER XXIII. *Decrees and Orders.*

object of the notice of motion, the filing of the several answers and other pleadings or proceedings, and the short purport or effect of any decree or order, made, had, put in, or taken, before the date of the decree or order inrolled and leading thereto. And no decree or order shall be inrolled until the Clerk of Records and Writs, in whose division the cause or matter may be, shall have inspected the docket of such inrolment, and shall have certified thereon that the statement of the pleadings, decrees, orders, reports, certificates, and proceedings therein contained is correct. (17th March 1843.)

Certificate by the Record and Writ Clerk as to the correctness of the statements.

RULE 25. Inrolment within six months.

25. All decrees and orders pronounced or made in any cause or matter in this Court which shall be inrolled, shall be so inrolled within six calendar months after the same shall be so pronounced or made respectively, and not at any time after, without special leave of the Court, such leave to be obtained in manner next hereinafter mentioned. (7th Aug. 1852, 2nd Set, Ord. 2.)

RULE 26. Inrolment after six months.

26. Where any party is desirous to inrol a decree or order, after the expiration of six calendar months and within five years from the time the same shall have been made, he may apply by motion to the Judge to whose Court the cause is attached for an order for that purpose; and such order, unless made by consent of the opposite party or on notice to all the parties, shall be a conditional order in the first instance, but shall become absolute without further order, unless cause be shown against it within twenty-eight days after service thereof. (7th Aug. 1852, 2nd Set, Ord. 3.)

RULE 27. Caveat against inrolment.

27. Where a caveat is entered with the proper officer to stay the signing of the docket of the inrolment of any decree or order, such caveat shall be prosecuted with effect within twenty-eight days after the docket of such decree or order shall be left to be signed with the proper officer by the party who entered the same; otherwise such caveat shall be of no force, and the docket of such decree or order may immediately after the expiration of the said twenty-eight days be presented to be signed, as if no such

caveat had been entered. (7th Aug. 1852, 2nd Set, Ord. 4.)

ORDER XXIII. *Decrees and Orders.*

28. No inrolment of any decree or order shall be allowed after the expiration of five years from the date thereof. (7th Aug. 1852, 2nd Set, Ord. 5.) But the Lord Chancellor or the Lords Justices shall be at liberty, on motion and notice to all parties, where it shall appear to him or them under the peculiar circumstances of the case to be just and expedient, to enlarge that period. (7th Aug. 1852, 2nd Set, Ord. 6.)

RULE 28. Inrolment within five years. Enlargement of time for inrolment.

29. As soon as the docket of a decree or order is signed by the Lord Chancellor, for the purpose of inrolment, the solicitor for the party seeking to inrol such decree or order, or the party himself if acting in person, shall forthwith have the same engrossed in the proper form, and carry the same to the Public Record Office, Rolls Yard. (3rd July; 1676.)

RULE 29. Transmission of the inrolment to the Public Record Office.

ORDER XXIV.

ORDER XXIV. *Receivers.*

RECEIVERS.

1, Where an order is made directing a Receiver to be appointed, unless otherwise ordered, the person to be appointed shall first give security, to be allowed by the Judge to whose Court the cause is attached, and taken before a person authorized to administer oaths in Chancery, duly to account for what he shall receive on account of the rents and profits for the receipt of which he is to be appointed, at such periods as such Judge shall appoint, and to account for and pay the same as the Court shall direct, or, as the case may be, to be answerable for what he shall receive in respect of the personal estate for the getting in and collection of which he is to be appointed, and to account for and pay the same as the Court shall direct. And the person so to be appointed shall be allowed a proper salary for his care and pains in receiving such

RULE 1. Security for Receivers. Salary.

ORDER XXIV. *Receivers.*

rents and profits, or, as the case may be, shall have an allowance made to him in respect of his collecting such personal estate. (16th Oct. 1852; Ord. 13.)

RULE 2. Fixing days for Receivers to leave and pass their accounts and pay their balances.

2. The Judge shall fix the days upon which Receivers shall (annually, or at longer or shorter periods, at his discretion) leave and pass their accounts, and also the days upon which such Receivers shall pay the balances appearing due on the accounts so left, or such part thereof as the Chief Clerk shall certify as proper to be paid by them. And with respect to such Receivers as shall neglect to leave and pass their accounts and pay the balances thereof at the times so to be fixed for that purpose as aforesaid, the Judge before whom such Receivers are to account shall from time to time, when their subsequent accounts are produced to be examined and passed, not only disallow the salaries therein claimed by such Receivers, but also charge them with interest after the rate of £5 *per cent. per annum* upon the balances so neglected to be paid by them during the time the same shall appear to have remained in the hands of such Receivers. (See Ord. of 23rd April 1796, and 63rd Ord. of 3rd April 1828. And see also 23rd Rule of Order XXXV. *infra.*)

Neglect of Receivers.

RULE 3. Summons to proceed upon account.

3. Upon a Receiver's account being left in the Judge's chambers to be passed, a summons to proceed thereon shall be taken out; and the account, when passed, shall be entered by the solicitor of the Receiver in books, in the same manner as heretofore; and the affidavit verifying the account so passed shall refer to it as an exhibit, and not be annexed to it. (16th Oct. 1852; Ord. 31.)

Entry of account.

Affidavit verifying the same.

RULE 4. Deposit of account.

4. When a receivership has been completed, the book containing the accounts shall be deposited in the Office of the Clerks of Records and Writs. (16th Oct. 1852; Ord. 32.)

ORDER XXV.

ORDER XXV. *Injunctions.*

INJUNCTIONS.

Injunction to stay proceedings at law.

No injunction for stay of proceedings at law shall be granted as of course for default of appearance or of answer to the bill. (7th Aug. 1852, 1st Set, Ord. 45.)

ORDER XXVI.

ORDER XXVI. *Stop Orders.*

STOP ORDERS.

RULE 1. Costs occasioned thereby.

1. Where any stocks, funds, shares, securities, or monies are standing in the name of the Accountant-General in trust in or to the general credit of any cause or matter, or to the account of any class of persons, and an order is made to prevent the transfer or payment of such stocks, funds, shares, securities, or monies, or any part thereof without notice to the assignee of any person entitled in expectancy or otherwise to any share or portion of such stocks, funds, shares, securities, or monies, the person by whom any such order shall be obtained, or the shares of such stocks, funds, shares, securities, or monies affected by such order, shall be liable, at the discretion of the Court or the Judge at Chambers, as the case may be, to pay any costs, charges, and expenses, which, by reason of any such order having been obtained, shall be occasioned to any party to the cause or matter, or any person interested in any such stocks, funds, shares, securities, or monies. (3rd April 1841.)

RULE 2. Service of petition or summons for stop order.

2. Any person presenting a petition or taking out a summons for any such order as aforesaid, shall not be required to serve such petition or summons upon the parties to the cause, or upon the persons interested in such parts of the stocks, funds, shares, securities, or monies, as are not sought to be affected by any such order. (3rd April 1841.)

Ord. XXVII.
Distringas.

ORDER XXVII.

Distringas.

Rule 1.
Form of writ.

1. Any person claiming to be interested in any stock transferable at the Bank, standing in the name of any other person or body politic or corporate, in the books of the Governor and Company of the Bank, may, by his solicitor, prepare a writ of distringas pursuant to the Stat. 5 Vict. c. 5 in the form set out in the first Schedule to the said Act, and may present the same for sealing at the Office of the Clerks of Records and Writs. (17th Nov. 1841; Ord. 1.)

Rule 2.
Sealing of writ.

2. Upon the presentment of such writ for sealing, and on leaving with the Clerks of Records and Writs an affidavit, duly sworn by the person or one of the persons applying for such writ or his solicitor before some person authorized to administer oaths in Chancery, in the form set out at the end of this Rule, the same writ shall (in conformity with the 37th Rule of Order I.), be forthwith sealed with the seal of the Office of the Clerks of Records and Writs, and such writ, when sealed, shall have the same force and validity as the writ of distringas formerly issued out of the Court of Exchequer. (17th Nov. 1841; Ord. 2. 10th Dec. 1841.)

Effect thereof.

Form of Affidavit.

A. B. [*the name of the person or persons in whose behalf the writ is sued out*] *v.* The Governor and Company of the Bank of England.

I, ——, of ——, do solemnly swear, that, according to the best of my knowledge, information, and belief, I am [*or, if the affidavit is made by the solicitor,* A. B., of ——, is] beneficially interested in the stock hereinafter particularly described, that is to say [*here specify the amount of the stock to be affected by the writ, and the name or names of the person or persons, or body politic or corporate, in whose name or names the same shall be standing.*]

3. Such writ of distringas, and all process thereunder, may at any time be discharged by an order, to be obtained as of course upon the petition of the person on whose behalf the writ was issued, or to be obtained upon the application, by motion on notice or by petition duly served, of any other person claiming to be interested in the stock sought to be affected by such writ. And upon or after such application, such costs thereof and in relation thereto and to the said writ as to the Court shall seem just, may, if the Court shall think fit, be awarded, and ordered to be paid by the person on whose behalf the writ was issued, or, upon an application by any other person, by such person. (17th Nov. 1841; Ord. 3.)

Ord. XXVII. *Distringas.*

Rule 3. Discharge of writ.

Costs.

4. Where the Governor and Company of the Bank, after having been served with such writ of distringas, and a notice not to permit the transfer of the stock in such notice and in the said affidavit specified or not to pay the dividends thereon, receive a request, from the person in whose name such stock is standing or some person on his behalf or representing him, to allow such transfer, or to pay such dividends, the said Governor and Company shall not, by force or in consequence of such distringas, be authorized, without the order of the Court, to refuse to permit such transfer to be made or to withhold payment of such dividends for more than eight days after the date of such request. (17th Nov. 1841; Ord. 4.)

Rule 4. Effect of request to Bank to allow transfer or pay dividends.

ORDER XXVIII.

Subpœnas.

Ord. XXVIII. *Subpœnas.*

1. Where it is intended to sue out a *subpœna*, a *præcipe* for that purpose, in the usual form, and containing the name or firm and the place of business or residence of the solicitor or solicitors intending to sue out the same, and where such solicitor or solicitors is or are agent or agents only, then also the name or firm and place of business or residence of the principal solicitor or solicitors, shall in all

Rule 1. *Præcipe.*

ORD. XXVIII. *Subpœnas.*

cases be delivered and filed at the Office of the Clerks of Records and Writs. And on a *subpœna* for costs being sealed, the Taxing Master's certificate shall be produced to the officer sealing the writ as his authority for sealing it. (21st Dec. 1833; Ord. 2 and 3.)

RULE 2. Form of *subpœna.*

2. Writs of *subpœna* shall be in the forms mentioned in Schedule (E), with such alterations and variations as circumstances may require. (8th May 1845; Ord. 24.)

RULE 3, 4. Number of persons in a *subpœna.*

3. Every *subpœna*, other than a *subpœna duces tecum*, shall contain three names, where necessary or required. (21st Dec. 1833; Ord. 5.)

4. No more than three persons shall be included in one *subpœna duces tecum;* and the party suing out the same shall be at liberty to sue out a *subpœna* for each person, if it shall be deemed necessary or desirable. (21st Dec. 1833; Ord. 6.)

RULE 5. Correcting and resealing *subpœna.*

5. In the interval between the suing out and service of any *subpœna*, the party suing out the same may correct any error in the names of parties or witnesses, and may have the writ re-sealed upon leaving a corrected *præcipe* of such *subpœna*, marked with the words "altered and re-sealed," and signed with the name and address of the solicitor or solicitors suing out the same. (8th May 1845; Ord. 25.)

RULE 6. Mode of service.

6. The service of *subpœnas* shall be effected by delivering a copy of the writ and of the indorsement thereon, and at the same time producing the original writ. (21st Dec. 1833; Ord. 4.)

RULE 7. Service of *subpœna* to hear judgment.

7. Service upon a defendant's solicitor of a *subpœna* to hear judgment, shall be deemed good service upon such defendant. (8th May 1845; Ord. 26.)

RULE 8. Affidavits to prove service of *subpœna.*

8. Affidavits filed for the purpose of proving the service of a *subpœna* upon any defendant, must state when, where, and how such *subpœna* was served, and by whom such service was effected. (8th May 1845; Ord. 34.)

RULE 9. Time for service of *subpœna.*

9. The service of any *subpœna*, except a *subpœna* for costs, shall be of no validity if not made within twelve weeks after the *teste* of the writ. (8th May 1845; Ord. 16, Art. 1.)

10. The practice of the Court existing on the 1st day of Nov. 1852, with reference to issuing and serving writs of *subpœna* to appear to and answer bills, shall continue in force with respect to bills filed on or before that day. (7th Aug. 1852, 1st Set, Ord. 13.)

ORD. XXVIII. *Subpœnas.*

RULE 10. Practice as to bills filed on or before 1st Nov. 1852.

ORDER XXIX.

PROCESS TO ENFORCE DECREES AND ORDERS.

ORDER XXIX. *Process to enforce Decrees and Orders.*

*1. Where any person is by any decree or order directed to pay any money or deliver up or transfer any property real or personal to another, it shall not be necessary to make any demand thereof; but the person so directed shall be bound to obey such decree or order, upon being duly served with the same, without demand; and process of contempt may issue accordingly to enforce performance thereof. (30th March 1859; Ord. 17.)

RULE *1. Necessity, without demand, of performing decree or order to pay money or transfer or deliver up property.

2. Every person, not being a party in any cause, who obtains an order, or in whose favour an order is made, shall be entitled to enforce obedience to such order by the same process as if he were a party to the cause. And every person, not being a party in any cause, against whom obedience to any order may be enforced, shall be liable to the same process for enforcing obedience to such order as if he were a party to the cause. (26th Aug. 1841; Ord. 15.)

RULE 2. Process for or against persons not parties to cause.

I. *Attachment, Serjeant-at-Arms, and Sequestration.*

3. Where any person is by a decree or order made in any suit or matter directed to pay money or to do any other act in a limited time, and, after due service of such decree or order, refuses or neglects to obey the same according to the exigency thereof, the person prosecuting such decree or order shall, at the expiration of the time limited for the performance thereof, be entitled to a writ or writs of attachment against the disobedient person.

RULE 3. Mode of enforcing decrees and orders.

Attachment.

ORDER XXIX. *Process to enforce Decrees and Orders.*

Sequestration.

And in case such person shall be taken or detained in custody under any such writ of attachment without obeying the same decree or order, then the person prosecuting the same decree or order shall, upon the Sheriff's return that the disobedient person has been so taken or detained, be entitled to a commission of sequestration against his estate and effects. And in case the Sheriff shall make the return *non est inventus* to such writ or writs of attachment, the person prosecuting such decree or order shall be entitled at his option either to a commission of sequestration in the first instance, or otherwise to an order for the Serjeant-at-Arms, and to such other process as he was formerly entitled to upon a return *non est inventus* made by the Commissioners named in a commission of rebellion issued for the non-performance of a decree or order. (Ord. of 18th July 1857, amending 11th Ord. of 11th April 1842.)

Serjeant-at-Arms.

RULE 4. Terms on which party committed or brought up by the Serjeant-at-Arms may be released.

4. When a person is committed or brought up by the Serjeant-at-Arms for breach of a decree or order, he shall not be released until he has performed the decree or order in all things that are to be immediately performed, and given such security as the Court shall direct to perform the other parts of the decree or order (if any) at the future days and times thereby appointed. (22nd May 1661; Sanders, 308.)

II. *Writ of Assistance.*

RULE 5. Right to writ of assistance.

5. Upon due service of a decree or order for delivery of possession, the person prosecuting the same shall be entitled to an order for a writ of assistance. (26th Aug. 1841; Ord. 13.)

III. *Fieri Facias, Elegit, and Venditioni Exponas.*

RULE 6. Writ of *fi. fa.* or *elegit* on order for payment of money or costs.

6. Every person to whom, in any cause or matter pending in this Court, any sum of money or any costs shall have been directed to be paid, shall, after the lapse of one month from the time when the decree or order for payment was duly passed and entered, be entitled to sue out one or more writ or writs of *fieri facias* or writ or writs of *elegit* of the form set

forth in Schedules (F) and (G), or as near thereto as the circumstances of the case may require. (10th May 1839; Ord. 1.)

ORDER XXIX. *Process to enforce Decrees and Orders.*

7. Upon every such decree or order hereafter to be entered, one of the entering clerks shall, at the request of the party leaving the same, mark the day of the month and year on which the same is so left for entry: and no writ of *fieri facias* or *elegit* shall be sued out upon any such decree or order, unless the date of such entry is so marked thereon. (10th May 1839; Ord. 2.)

RULE 7. Marking order for payment with date on which it was left for entry.

8. Such writs when sealed shall be delivered to the sheriff or other officer to whom the execution of the like writs issuing out of the superior Courts of common law belongs, and shall be executed by such sheriff or other officer as nearly as may be in the same manner in which he ought to execute such like writs. And such writs, when returned by such sheriff or other officer, shall be delivered to the parties or solicitors by whom respectively they were sued out, and shall thereupon be filed as of record in the office of the Clerks of Records and Writs. And for the execution of such writs, such sheriff or other officer shall not take or be allowed any fees other than such as are or shall be from time to time allowed by lawful authority for the execution of the like writs issuing out of the superior Courts of common law. (10th May 1839; Ord. 3.)

RULE 8. By whom and how such writs to be executed.

Return, delivery, and filing thereof.

Fees to sheriff or other officer.

9. Where it appears, upon the return of any such writ of *fieri facias* as aforesaid, that the sheriff or other officer has by virtue of such writ seized but not sold any goods of the person directed to pay such sum of money or costs as aforesaid, the person to whom such sum of money or costs is payable, shall, immediately after such writ with such return shall have been filed as of record, be at liberty to sue out a writ of *venditioni exponas* in the form set forth in Schedule (H), or as near thereto as the circumstances of the case may require. (10th May 1839; Ord. 4.)

RULE 9. Writ of *venditioni exponas.*

10. On every such writ of *fieri facias* and *elegit* so to be issued as aforesaid, there shall be indorsed, in addition to the particulars required by the 2nd or 5th Rule of Order III.,

RULE 10. Indorsement on writs of *fi. fa.* and *elegit.*

ORDER XXIX. *Process to enforce Decrees and Orders.*

the words, "By the Court," and also thereunder the calling and place of residence of the person against whom such writ shall be issued; and every such writ shall be also indorsed for the sum to be levied, according to the form used upon like writs issuing out of the superior Courts of common law. (10th May 1839; Ord. 5.)

IV. *Fieri Facias de bonis Ecclesiasticis and Sequestrari Facias de bonis Ecclesiasticis.*

RULE 11. When writ of *fi. fa. de bonis ecclesiasticis*, or writ of *sequestrari facias* may be sued out.

11. Where it appears, upon the return of any writ of *fieri facias* or any writ of *elegit* issued in pursuance of the 6th Rule of this Order, that the person against whom such writ was so issued, is a beneficed clerk, and has no goods or chattels nor any lay fee in the bailiwick of the sheriff to whom such writ was directed, the person to whom the sum of money or costs mentioned in such writ is or are payable, shall, immediately after such writ with such return shall have been filed as of record, be at liberty to sue out one or more writ or writs of *fieri facias de bonis ecclesiasticis*, or one or more writ or writs of *sequestrari facias*, in the form stated in Schedule (J), or as near thereto as the circumstances of the case may allow. (18th July 1857; Ord. 2.)

RULE 12. Indorsement thereon.

12. On every such writ of *fieri facias de bonis ecclesiasticis* or writ of *sequestrari facias* so to be issued as aforesaid, there shall be indorsed, in addition to the particulars required by the 2nd or 5th Rule of Order III., the words "By the Court," and also thereunder the calling, if any, and place of residence, if any, of the person against whom such writ shall be issued; and every such writ shall be also indorsed for the sum to be taken or levied, according to the form used upon like writs issuing out of the superior Courts of common law. (18th July 1857; Ord. 3.)

RULE 13. Proceedings thereon.

13. Such writs, when sealed, shall be delivered to the Bishop, and shall be executed by him as nearly as may be in the same manner in which he ought to execute such like writs issuing out of the superior Courts of common

law. And such writs, when returned by the Bishop, shall be delivered to the parties or solicitors by whom respectively they were sued out, and shall thereupon be filed as of record in the office of the Clerks of Records and Writs. And for the execution of such writs, the Bishop or his officers shall not take or be allowed any fees other than such as are or shall be from time to time allowed by lawful authority for the execution of the like writs issuing out of the superior Courts of Common Law. (18th July 1857; Ord. 4.)

ORDER XXIX. *Process to enforce Decrees and Orders.*

Fees to the Bishop or his officers.

ORDER XXX.

PROCESS GENERALLY.

ORDER XXX. *Process generally.*

1. Every suitor who prosecutes a contempt, shall use his best endeavour to procure each process to be duly served and executed upon the party prosecuted; otherwise he shall pay costs unto the party aggrieved, and lose the benefit of the process returned. (22nd May 1661; Sanders, 306.)

RULE 1. Endeavour to be used in executing process.

2. After any order for a Serjeant-at-Arms shall be granted by the Court, the Registrar shall on request draw up the said order, and deliver the same to the Serjeant-at-Arms or his deputy, who shall thereupon endeavour to apprehend the party prosecuted and bring him into Court to answer his contempt, if he can. But if he cannot, no such order for a Serjeant-at-Arms shall be discharged, nor the contempt thereupon, without a certificate under the hand of the Serjeant-at-Arms that his fees have been paid. And after the said order shall have been so drawn up and passed, no private or other agreement shall be made between the party prosecuting the contempt and the person standing in contempt, or on their behalf, for a compromise of the suit or the discharge of the contempt, unless such satisfaction shall be made, and a certificate thereof shall be produced to the Court. (4th Nov. 1674. 13th July 1685. 12th June 1694.)

RULE 2. Order for Serjeant-at-Arms to be drawn up and delivered to the Serjeant.

No such order, nor the contempt, to be discharged, nor the suit compromised, without payment of his fees.

ORDER XXX. *Process generally.*

RULE 3. New writ of *Habeas.*

3. Where a party is brought up to this Court by virtue of any writ of *habeas* duly issued from the office of the Clerks of Records and Writs, and by reason of the pressure of other business, or from any other cause, the hearing of the cause or matter in which such party is concerned is postponed to a future day, a new writ of *habeas* may be issued for such future day, if the Court shall so direct, without payment of any fee. (31st Jan. 1846.)

RULE 4. Abolition of writ of execution to enforce decrees or orders.

4. No writ of execution shall be issued for the purpose of requiring or compelling obedience to any decree or order, but the person required by any such decree or order to do any act, shall, upon being duly served with such decree or order, be held bound to do such act in obedience thereto. (11th April 1842; Ord. 6, amending 10th Ord. of 26th Aug. 1841.)

RULE 5. Writs of attachment with proclamations and rebellion abolished.

5. No writ of attachment with proclamations nor any writ of rebellion shall be issued for the purpose of compelling obedience to any process, order, or decree of the Court. (26th Aug. 1841; Ord. 6.)

ORDER XXXI. *Proceedings to reverse, alter, or explain decrees and orders.*

ORDER XXXI.

PROCEEDINGS TO REVERSE, ALTER, OR EXPLAIN DECREES AND ORDERS.

I. *Rehearings and Appeals.*

RULE 1. Time for appeals and rehearings.

1. No appeal from any decree or order or any rehearing of the case on which such decree or order is founded, shall be allowed, unless the same is set down for hearing, and the requisite notice thereof duly served, within five years from the date of such decree or order respectively. (7th Aug. 1852, 2nd Set, Ord. 1.) But the Lord Chancellor or the Lords Justices shall be at liberty, where it shall appear to him or them under the peculiar circumstances of the case to be just and expedient, to enlarge that period. (7th Aug. 1852, 2nd Set, Ord. 6.)

Enlargement of time.

ORDER XXXI. *Proceedings to reverse, alter, or explain decrees and orders.*

RULE 2. Rehearing not to stop proceedings on decree or order appealed from.

2. Where any rehearing is granted, such rehearing shall not in any way stop or hinder any proceedings on the decree or order appealed from, unless by special order of the Court; but the person in possession of any decree or order shall be at liberty to proceed thereon as if no appeal or rehearing had been granted. (12th May 1686.)

RULE 3. Contents of petitions of rehearing.

3. In any petition of rehearing of any decree or order, it shall not be necessary to state the proceedings anterior to the decree or order appealed from or sought to be reheard. (26th Aug. 1841; Ord. 50.)

RULE 4. Deposits on appeal or rehearing.

4. When any person appeals from a decree or order made on the original hearing of a cause or on further consideration, or obtains a rehearing of a cause, the person so appealing or obtaining such rehearing shall deposit in the hands of the Registrar the sum of twenty pounds, to be paid to the opposite party when the decree or order is not varied in any material point, together with the further taxed costs occasioned by the appeal or rehearing, unless the Court shall otherwise direct. (7th Feb. 1794. 3rd April 1828; Ord. 42.)

RULE 5. Appeal deposit account.

5. The senior Registrar for the time being shall set down the deposits received by him under the Stat. 15 & 16 Vict. c. 87, s. 41, in a book to be kept by him for that purpose, together with a memorandum of the name of the cause on which each deposit is made, and of the person making the same, and of his solicitor. And where the Court has heretofore by any order directed or shall hereafter direct any such deposit or portion of deposit to be paid, the same shall be paid by the Accountant-General out of any cash which at the time of such payment may be in the Bank to the credit of the account intituled "The Appeal Deposit Account," to the person to whom such deposit or portion of deposit is ordered to be paid, or to his solicitor to be named in such order, whose receipt in such latter case shall be a sufficient discharge for the same. (10th Dec. 1852.)

RULE 6. Court to be supplied with

6. Where a petition of rehearing of a cause is presented, a true copy thereof, and a printed copy of the bill,

ORDER XXXI. *Proceedings to reverse, alter, or explain decrees and orders.*

shall, at the time of presenting such petition, be left for the Lord Chancellor or the Lords Justices. (See Ord. of 23rd Oct. 1689.)

copy of the bill and of the petition of rehearing.

7. Where a party who has been duly served with a copy of an order for setting down a cause to be reheard on a petition of appeal or for a rehearing, does not appear on the rehearing, there, on proof by affidavit of such service, such order shall be made upon the rehearing as under the circumstances of the case shall appear to be just. (3rd Aug. 1831.)

RULE 7. Non-appearance of party served with order for appeal.

RULE 8. Rehearing of or appeal from decree or decretal order made on motion.

8. Where any decree or decretal order has been made upon motion, no rehearing or appeal shall be allowed, either before the same Judge, or before the Lord Chancellor or the Lords Justices, upon motion; but in every such case there shall be a petition of rehearing or appeal in the same manner and form, and with the same certificate of counsel, and with the same subscription by the petitioner or his solicitor with respect to costs, and with the same deposit, as are required for a rehearing when a decree has been made upon the hearing of a cause regularly set down for hearing. (12th July 1858.)

II. *Bills of Review and other Bills of that nature.*

RULE 9. Where necessary.

9. No decree which has been signed and inrolled shall be reversed, altered, or explained, but upon bill of review. (29th Jan. 1618-19; Ord. 1, 13.)

RULE 10. Grounds of bill of review or bill in the nature of a bill of review.

10. No bill of review or supplemental or new bill in the nature of a bill of review, shall be admitted, except upon error in law appearing on the face of the decree without further examination of matters in fact, or upon some new matter which has been discovered after the decree and could not possibly have been used when the decree was made. (29th Jan. 1618-19; Ord. 1. 17th Oct. 1741.)

RULE 11. Leave of Court.

11. No bill of review or supplemental or new bill in the nature of a bill of review grounded upon new matter discovered after the decree, shall be admitted without the special leave of the Court first obtained for that purpose. (17th Oct. 1741. 29th Jan. 1618-19; Ord. 1.)

ORDER XXXI. *Proceedings to reverse, alter, or explain decrees and orders.*

RULE 12. Deposit in the case of a bill of review.

12. No bill of review shall be admitted, unless the party exhibiting the same first deposit the sum of £50 with the Registrar, as a pledge to answer such costs and damages as the Court shall award to the opposite party, in case the Court shall think fit to dismiss such bill of review. (12th March 1700-1.)

RULE 13. Deposit in the case of a bill in nature of a bill of review.

13. No supplemental or new bill in the nature of a bill of review grounded upon new matter discovered after the decree shall be admitted, unless the party exhibiting the same first deposit with the Registrar so much money as, together with the deposit by the rules of this Court to be made on obtaining a rehearing of the cause or causes wherein such decree was pronounced, will make up the sum of £50, as a pledge to answer such costs and damages as shall be awarded to the opposite party, in case the Court shall think fit to award any at the hearing of the cause on such supplemental or new bill. (17th Oct. 1741.)

RULE 14. Performance required before such bill, except in particular cases.

14. No bill of review shall be admitted, nor any other new bill to reverse or alter a decree, unless the decree be first obeyed and performed; except that if any act is decreed to be done which extinguishes a right at the common law, as the making of assurance or release, acknowledging satisfaction, cancelling of bonds or evidences, and the like, the Court may dispense with the actual performance of that part of the decree until such bill be determined. (29th Jan. 1618-19; Ord. 3 & 4.)

ORDER XXXII.

REVIVOR AND SUPPLEMENT.

ORD. XXXII. *Revivor and Supplement.*

RULE 1. Application to discharge order to revive.

1. Any person under no disability or under the disability of coverture, who may be served with an order under the Stat. 15 & 16 Vict. c. 86, s. 52, to revive any suit or to carry on the proceedings therein, may apply to the Court to discharge such order within twelve days

ORD. XXXII. *Revivor and Supplement.*

after such service; and any person being under any disability, other than coverture, who may be so served, may apply to the Court to discharge such order within twelve days after the appointment of a guardian or guardians *ad litem* for such person; and until such period of twelve days shall have expired, such order shall have no force or effect as against such last-mentioned person. (7th Aug. 1852, 1st Set, Ord. 43.)

RULE 2. Supplemental statement.

2. Where the plaintiff in any cause which is not in such a state as to allow of an amendment being made in the bill, desires to state or put in issue any facts or circumstances which may have occurred after the institution of the suit, he may state the same, and put the same in issue by filing in the Record and Writ Clerks' Office a statement, either written or printed, to be annexed to the bill; and such proceedings by way of answer, evidence, and otherwise, shall be had and taken upon the statement so filed, as if the same were embodied in a supplemental bill: provided always, that the Court may make any order which it shall think fit for accelerating the proceedings thereunder, or proceedings therein, in any manner which may appear just and practicable. (7th Aug. 1852, 1st Set, Ord. 44.)

RULE 3. Contents of bills to revive or supplemental bills.

3. It shall not be necessary in any bill to revive a suit, or in any supplemental bill, to set forth any of the statements in the pleadings in the original suit, unless the special circumstances of the case may require it. (26th Aug. 1841; Ord. 49.)

RULE 4. Revivor against legal representative of plaintiff.

4. Where a suit abates by the death of a sole plaintiff, the Court, upon motion of any defendant made on notice served on the legal representative of the deceased plaintiff, may order that such legal representative do revive the suit within a limited time, or that the bill be dismissed. (8th May 1845. Ord. 63.)

ORDER XXXIII.

ORD. XXXIII. *Motions.*

MOTIONS.

I. *Notices of Motion.*

RULE 1. Notices of motion must name the Judge.

1. Every notice of motion intended to be made before any Judge, shall express that the same is intended to be made before that Judge. (13th Dec. 1814.)

RULE 2. Time for service of notices of motion.

2. Unless the Court give special leave to the contrary, there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion. And in the computation of such two clear days, Sundays and other days on which the offices are closed, except Monday and Tuesday in Easter week, shall not be reckoned. (8th May 1845; Ord. 16, Art. 47.)

RULE 3. Time for service of notice of motion for a guardian to defend suit.

3. There must be at least six clear days between the service of a notice of motion by the plaintiff for the appointment of a guardian by whom a defendant who is an infant or a person of weak intellect or unsound mind may defend the suit, and the day named in the notice for hearing the motion. (8th May 1845; Ord. 16, Art. 48.)

II. *Motion for Decree under the Stat.* 15 & 16 *Vict. c.* 86, *s.* 15.

RULE 4. Notice.

4. One month's notice shall be given by the plaintiff to the defendant, of a motion under the Stat. 15 & 16 Vict. c. 86, s. 15, for a decree or decretal order. (7th Aug. 1852, 1st Set, Ord. 22.)

RULE 5. Plaintiff's affidavits.

5. The affidavits to be used in support of such motion shall be filed before the service of such notice, and a list of such affidavits shall be set forth at the foot of such notice. (7th Aug. 1852, 1st Set, Ord. 23.)

RULE 6. Defendant's affidavits.

6. The defendant, within fourteen days after service of such notice, shall file his affidavits in answer, and deliver to the plaintiff or his solicitor a list thereof. (7th Aug. 1852, 1st Set, Ord. 24.)

RULE 7. Plaintiff's affidavits in reply.

7. Within seven days after the expiration of such fourteen days or other period for which the time for filing the de-

ORD. XXXIII. *Motions.*

fendant's affidavits has been enlarged, the plaintiff shall file his affidavits in reply, which affidavits shall be confined to matters strictly in reply; and he shall deliver to the defendant or his solicitor a list thereof; and except so far as these affidavits are in reply, they shall not be regarded by the Court, unless upon the hearing of the motion the Court shall give leave to the defendant to answer them; and in that case the costs of such affidavits, and of the further affidavits consequent upon them, shall be paid by the plaintiff, unless the Court shall otherwise direct. (7th Aug. 1852, 1st Set, Ord. 25.)

Costs.

RULE 8. Further evidence.

8. No further evidence on either side shall be used upon such motion for a decree or decretal order without leave of the Court. (7th Aug. 1852, 1st Set, Ord. 26.)

RULE 9. Entering of notices of motion.

9. Every notice of motion for a decree or decretal order shall be set down with the Registrar in the cause-book with the causes, and shall come on to be heard accordingly, unless the Court shall otherwise direct. (7th Aug. 1852, 1st Set, Ord. 27.)

Order of hearing.

III. *Motions to Dismiss Bills.*

RULE 10. Time for motion to dismiss for want of prosecution.

10. Any defendant may, upon notice, move the Court that the bill may be dismissed, with costs, for want of prosecution, and the Court may order accordingly,

ARTICLE (1.)

(1.) Where the plaintiff, having obtained no order to enlarge the time, does not, within four weeks after the answer or the last of the answers required to be put in by such defendant is held or deemed to be sufficient, or after the filing of a traversing note against such defendant, file the replication, or set down the cause to be heard on bill and answer, or set down a motion for a decree or decretal order, or obtain and serve an order for leave to amend the bill; or

ARTICLE (2.)

(2.) Where the plaintiff, having undertaken to reply to a plea filed by such defendant to the whole bill, does not file his replication within four weeks after the date of his undertaking; or

ARTICLE (3.)

(3.) Where the plaintiff, having obtained no order to enlarge the time, does not set down the cause to be

heard, and obtain and serve a *subpœna* to hear judgment within four weeks after the evidence has closed. (8th May 1845, Ord. 114.; and Ord. 16, Art. 37, 45.)

ORD. XXXIII. *Motions.*

RULE 11. Order to amend becoming void.

11. Where the plaintiff obtains an order for leave to amend his bill, and, having obtained no order to enlarge the time, does not amend the bill within the time limited by the order to amend, or, if no time be so limited, then within fourteen days from the date of such order, the order to amend shall be void, and the cause shall as to dismissal stand in the same position as if such order to amend had not been made. (8th May 1845; Ord. 16, Art. 34; and Ord. 70 and 114.)

RULE 12. Time for motion to dismiss for want of prosecution, where bill amended after answer, and no answer required to amendments.

12. Any defendant may upon notice move to dismiss the bill, with costs, for want of prosecution, where the plaintiff, after answer, amends his bill without requiring an answer to the amendments, and, having obtained no order to enlarge the time, does not file the replication, or set down the cause to be heard on bill and answer, or set down a motion for a decree or decretal order, within the times following; viz.

ARTICLE (1.)

(1.) Within one week after the expiration of the time within which such defendant might have put in an answer, in cases where the defendant does not desire to answer the amendments.

ARTICLE (2.)

(2.) Within fourteen days after the refusal to allow further time, in cases where the defendant, desiring to answer, has not put in his answer within the time allowed for that purpose, and the Judge has refused to allow further time.

ARTICLE (3.)

(3.) Within fourteen days after the filing of the answer, in cases where the defendant has put in an answer to the amendments, unless the plaintiff has within such fourteen days obtained a special order for leave to except to such answer or to re-amend the bill. (8th May 1845; Ord. 115; and Ord. 16, Art. 39, 40, 41.)

RULE 13. Time for motion to dismiss for want of pro-

13. A defendant to a suit commenced by bill, who shall not have been required to answer the bill, and shall not

Ord. XXXIII. *Motions.*

secution, where no answer required or put in.

have answered the same, shall be at liberty to apply for an order to dismiss the bill for want of prosecution, at any time after the expiration of three months from the time of his appearance, unless a motion for a decree or decretal order shall have been set down in the meantime, or the cause shall have been set down to be heard; and the Court may, upon such application, if it shall think fit, make an order dismissing the bill, or make such other order or impose such terms as may appear just and reasonable. (7th Aug. 1852, 1st Set, Ord. 29.)

Ord. XXXIV. *Petitions.*

ORDER XXXIV.

Petitions.

Rule *1. Statement as to persons to be served with petition.

*1. At the foot of every petition (not being a petition of course) presented to the Lord Chancellor or the Master of the Rolls, and of every copy thereof, a statement shall be made of the persons, if any, intended to be served therewith; and if no person is intended to be served with such petition, a statement to that effect shall be made at the foot of the petition, and of every copy thereof. (30th March 1859; Order 16.)

Rule 2. Time for service.

2. Unless the Court gives special leave to the contrary, there must be at least two clear days between the service of a petition and the day appointed for hearing the petition; and in the computation of such two clear days, Sundays and other days on which the offices are closed, except Monday and Tuesday in Easter week, shall not be reckoned. (8th May 1845; Ord. 16, Art. 47.)

Rule *3. Affidavits in support of petitions under Acts of Parliament authorizing sale for public purposes.

*3. In the case of petitions under Acts of Parliament authorizing the sale of property for public purposes, where the purchase money is directed by any such Acts of Parliament to be paid into Court, the petitioners claiming to be entitled to the money so paid in must make an affidavit, not only verifying their title, but also stating that they are not aware of any right in any other person, or of any claim

made by any other person, to the sum of £ in the said petition mentioned, or to any part thereof, or if the petitioners are aware of any such right or claim, they must in such affidavit state or refer to and except the same. (4th July 1828. Exchequer. See Seton on Decrees, 2nd Edition, p. 663.)

ORD. XXXIV. *Petitions.*

ORDER XXXV.

ORD. XXXV. *Proceedings in Chambers.*

PROCEEDINGS IN CHAMBERS.

RULE 1. Business to be disposed of in Chambers.

1. The business to be disposed of by the Master of the Rolls and the Vice-Chancellors respectively, while sitting at Chambers, shall, in addition to the matters mentioned or referred to in the Stat. 15 & 16 Vict. c. 80, s. 26, comprise the following matters, that is to say:—

ARTICLE (1.) (1.) Applications for payment to any person of the dividends or interest of any stocks, funds, or securities standing to the credit of any cause or matter depending to the separate account of such person.

ARTICLE (2.) (2.) Applications under the Stat. 36 Geo. III. c. 52, s. 32, in all cases where the sum paid into the Bank or the stock transferred into the name of the Accountant-General, under such section, does not exceed three hundred pounds cash, or three hundred pounds stock, as the case may be.

ARTICLE (3.) (3.) Applications under the Stat. 10 & 11 Vict. c. 96, intituled "An Act for better securing Trust Funds, and for the Relief of Trustees," and the Stat. 12 & 13 Vict. c. 74, intituled "An Act for the further Relief of Trustees," in all cases where the trust fund does not exceed three hundred pounds cash, or three hundred pounds stock, as the case may be.

ARTICLE (4.) (4.) Applications under "The Trustee Act, 1850," and the Stat. 15 & 16 Vict. c. 55, intituled "An Act to

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extend the Provisions of 'The Trustee Act, 1850,'" in all cases where any decree or order shall have been made by the Court for the sale or conveyance of any lands, manors, messuages, tenements, or hereditaments, corporeal or incorporeal, of any tenure or description, whatever may be the estate or interest therein.

ARTICLE (5.)

(5.) Applications on behalf of infants under the Stat. 1 Will. IV. c. 65, s. 12, 16, & 17, in all cases where the infant is a ward of the Court, or the administration of the estate of the infant or the maintenance of the infant is under the direction of the Court. (12th Nov. 1856.)

RULE 2. Form of summons by Judge.

2. The general summons for the purpose of proceedings before the Master of the Rolls and the Vice-Chancellors respectively at Chambers, whether originating in Chambers or not, may be in a form similar to the form set forth in Schedule (K) No. I., with such variations as the circumstances of the case may require. (16th Oct. 1852; Ord. 1.)

RULE 3. Form of administration summons.

3. The administration summons, under the Stat. 15 & 16 Vict. c. 86, s. 45 & 47, may be in a form similar to the form set forth in Schedule (K) No. II., with such variations as the circumstances of the case may require. (7th Aug. 1852, 1st Set, Ord. 42.)

RULE 4. Form of summons by Chief Clerk.

4. The summons by the Chief Clerk under the Stat. 15 & 16 Vict. c. 80, s. 30, may be in a form similar to the form set forth in Schedule (K) No. III., with such variations as the circumstances of the case may require. (16th Oct. 1852; Ord. 2.)

RULE 5. Preparing, sealing, and leaving of summons.

5. Summonses shall be prepared by the parties, and sealed by one of the clerks, at the Chambers of the Judge from whose Chambers they are issued, with a seal provided for those Chambers; and a copy of such summons shall be left at the Judge's Chambers by the party obtaining such summons. (16th Oct. 1852; Ord. 3.)

RULE 6. Filing duplicate of summons, and stamping copy served.

6. In cases of applications under the Stat. 15 & 16 Vict. c. 86, s. 45 & 47, applications originating in Chambers for guardianship and maintenance of infants, and all other

applications originating in Chambers, a duplicate of the summons shall be filed in the Record and Writ Clerks' Office; and in cases where service is required, the copies served shall be stamped in the manner provided by the Stat. 15 & 16 Vict. c. 86, s. 46. (16th Oct. 1852; Ord. 4.)

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7. Where proceedings originate in Chambers, the original summons shall be served seven clear days before the return thereof. All other summonses, not being summonses referred to in the 4th Rule of this Order, shall be served two clear days before the return thereof. (16th Oct. 1852; Ord. 5.)

RULE 7. Time for service of summons.

8. Where proceedings originate in Chambers, and where from any cause the summons may not have been served upon any party seven clear days before the return thereof, an indorsement may be made upon the summons, and upon a copy thereof stamped for service, appointing a new time for the parties not before served to attend at the Chambers of the Judge; and such indorsements shall be sealed at the Judge's Chambers; and the service of the copy so indorsed and sealed shall have the same force and effect as the service of an original summons; and where any party has been served before such indorsement, the hearing thereof may, upon the return of the summons, be adjourned to the new time so appointed. (16th Oct. 1852; Ord. 6.)

RULE 8. Appointment of new time.

9. Where proceedings originate in Chambers, the parties served shall, before they are heard in Chambers, enter appearances in the Record and Writ Clerks' Office, and give notice thereof. (16th Oct. 1852; Ord. 7.)

RULE 9. Appearances.

10. Where any of the parties summoned to attend the Judge in Chambers fail so to attend, whether upon the return of the summons or at any time appointed for the consideration or further consideration of the matter, the Judge may proceed *ex parte*, if, considering the nature of the case, he think it expedient so to do. (3rd April 1828; Ord. 53. 3rd June 1850; Ord. 6.)

RULE 10. Proceeding *ex parte.*

11. Where the Judge has proceeded *ex parte*, such proceeding shall not in any manner be re-considered in the

RULE 11. Reconsidera-

ORD. XXXV. *Proceedings in Chambers.*

tion of *ex parte* proceedings.

Costs.

Judge's Chambers, unless the Judge, upon a special application made to him for that purpose by a party who was absent, shall be satisfied that he was not guilty of wilful delay or negligence. And in such case, the costs occasioned by his non-attendance shall be in the discretion of the Judge, who may fix the same at the time, and direct them to be paid by the party or his solicitor before he shall be permitted to have such proceeding re-considered, or make such other order as to such costs as to such Judge may seem meet. (3rd April 1828; Ord. 54.)

RULE 12. Exclusion of claimants.

12. Where a decree or order is made, whether in Court or in Chambers, directing an account of debts, claims, or liabilities, or an inquiry for heirs, next of kin, or other unascertained persons, unless otherwise ordered, all persons who do not come in and prove their claims within the time which may be fixed for that purpose by advertisement, shall be excluded from the benefit of the decree or order. (16th Oct. 1852; Ord. 9.)

RULE 13. Sale.

13. Where a decree or order is made, whether in Court or in Chambers, directing any property to be sold, unless otherwise ordered, the same shall be sold with the approbation of the Judge to whose Court the cause or matter is attached, to the best purchaser that can be got for the same, to be allowed by the Judge, and all proper parties shall join in the sale and conveyance as the Judge shall direct. (16th Oct. 1852; Ord. 12.)

RULE 14. Further attendances.

14. Where matters in respect of which summonses have been issued, are not disposed of upon the return of the summons, the parties shall attend from time to time without further summons, at such time or times as may be appointed for the consideration or further consideration of the matter. (16th Oct. 1852; Ord. 16.)

RULE 15. Leaving copy of decree or order.

15. In all cases of proceedings in Chambers under any decree or order, the party prosecuting the same shall leave a copy of such decree or order at the Judge's Chambers, and shall certify the same to be a true copy of the decree or order as passed and entered. (16th Oct. 1852; Ord. 17.)

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RULE 16. Summons to proceed with accounts and inquiries.

16. Upon a copy of the decree or order being left, a summons shall be issued to proceed with the accounts or inquiries directed; and upon the return of such summons, the Judge, if satisfied by proper evidence that all necessary parties have been served with notice of the decree or order, shall thereupon give directions as to the manner in which each of the accounts and inquiries is to be prosecuted, the evidence to be adduced in support thereof, the parties who are to attend on the several accounts and inquiries, and the time within which each proceeding is to be taken; and a day or days may be appointed for the further attendance of the parties, and all such directions may afterwards be varied or added to as may be found necessary. (16th Oct. 1852; Ord. 18.)

Evidence of service of parties.

Directions.

RULE 17. Settling deed, in case parties differ.

17. Where, by any decree or order a deed is directed to be settled by the Judge in Chambers in case the parties differ about the same, a summons to proceed shall be issued; and upon the return of such summons the party entitled to prepare such deed shall be directed to deliver a copy thereof, within such time as the Judge shall think fit, to the party entitled to object thereto; and the party so entitled to object shall be directed to deliver to the other party a statement in writing of his objections (if any) within eight days after the delivery of such copy; and the proceeding shall be adjourned until after the expiration of the said period of eight days. (See 76th Ord. of 23rd Nov. 1831.)

RULE 18. Dispensation with service of notice of decree or order, or substitution of something else.

18. Where, upon the hearing of the summons to proceed, it appears to the Judge that by reason of absence, or for any other sufficient cause, the service of notice of the decree or order upon any party cannot be made or ought to be dispensed with, the Judge may, if he shall think fit, wholly dispense with such service, or may, at his discretion, order any substituted service, or notice by advertisement or otherwise, in lieu of such service. (16th Oct. 1852; Ord. 19.)

RULE 19. Further accounts or inquiries.

19. Where, in the prosecution of the decree or order, it appears to the Judge that it would be expedient that further accounts should be taken or further inquiries made, he may order the same to be taken or made accordingly,

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or, if desired by any party, may direct the same to be considered in open court. (16th Oct. 1852; Ord. 20.)

Consideration in open Court.

20. Where, upon the hearing of the summons to proceed, or at any time during the prosecution of the decree or order, it appears to the Judge, with respect to the whole or any portion of the proceedings, that the interests of the parties can be classified, he may require the parties constituting each or any class to be represented by the same solicitor; and where the parties constituting such class cannot agree upon the solicitor to represent them, the Judge may nominate such solicitor for the purpose of the proceedings before him; and where any one of the parties constituting such class declines to authorize the solicitor so nominated to act for him, and insists upon being represented by a different solicitor, such party shall personally pay the costs of his own solicitor of and relating to the proceedings before the Judge, with respect to which such nomination shall have been made, and all such further costs as shall be occasioned to any of the parties by his being represented by a different solicitor from the solicitor so to be nominated. (3rd June 1850; Ord. 2.)

RULE 20. Only one solicitor for a class.

RULE 21. Distinct solicitor required.

21. Whenever, in any proceeding before a Judge in Chambers, the same solicitor is employed for two or more parties, such Judge may at his discretion require that any of the said parties shall be represented before him by a distinct solicitor, and adjourn such proceedings until such party is so represented. (3rd April 1828; Ord. 77.)

RULE 22. Delay in bringing in decree or order directing accounts or inquiries.

22. Every decree or order directing accounts or inquiries to be taken or made shall be brought into the Judge's Chambers by the party entitled to prosecute the same, within ten days after the same shall have been passed and entered; and, in default thereof, any other party to the cause or matter shall be at liberty to bring in the same, and such party shall have the prosecution of such decree or order, unless the Judge shall otherwise direct. (3rd June 1850; Ord. 1.)

RULE *23. Neglect of Receiver, or delay in prosecuting

*23. In case of default by any Receiver appointed by the Court in leaving or passing any account, or in making any payment, or in case any other proceeding pending at

a Judge's Chambers is not prosecuted with due diligence, the parties, or any of them, may be required to attend at Chambers at a time to be appointed for that purpose, to show cause why such account has not been left or passed, payment made, or other proceeding prosecuted; and thereupon such directions may be given at Chambers or by adjournment in open Court as shall be proper to ensure the prosecution thereof by some person interested therein, and for the discharge of any Receiver, and appointment of another, and for payment of the costs incurred by any neglect or default; or a certificate by the Chief Clerk of such neglect or default as aforesaid, or of any abandonment or abatement of the proceedings or otherwise, according to the facts, may be made and filed, without any fee being payable thereon; and after such certificate shall have been so made, unless the same shall be discharged, none of the parties shall be at liberty to further prosecute the proceeding at Chambers, unless and until the Court or Judge shall upon application make an order directing the same to be prosecuted; and upon such certificate becoming binding, any party may apply to the Court, and the Court may make such order relative to costs, and to relieve any party from the effect of any decree or order before made or proceeding taken which shall not have been duly prosecuted, or otherwise, as may be thought proper. And for the purposes aforesaid, any party, or the solicitor of the suitors' fund, may be directed to summon the persons whose attendance is required, and to conduct any proceedings, and carry out any directions which may be given; and the costs of the solicitor of the suitors' fund shall be paid by such parties or out of such funds as the Court or Judge may direct; and if any costs of the solicitor of the suitors' fund be not otherwise paid, the same shall be paid out of the suitors' fund. (See Ord. 56 of 3rd April 1828. And see 2nd Rule of Ord. XXIV., *supra*.)

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any proceeding in Chambers.

24. At the time any summons or appointment is obtained, an entry thereof shall be made in "The Summons and Appointment Book," stating the date on which

RULE 24. Summons and Appointment Book.

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the summons is issued or the appointment made, the name of the cause or matter, and by what party, and, shortly, for what purpose such summons or appointment is obtained, and at what time such summons is returnable, and for what time such appointment is made. (16th Oct. 1852; Ord. 21.)

RULE 25. Lists of matters. Order of hearing.

25. Lists of matters appointed for each day shall be made out and affixed outside the doors of the Chambers of the respective Judges. And, subject to any special direction, such matters shall be heard in the order in which they appear in such lists. (16th Oct. 1852; Ord. 22.)

RULE 26. Proceeding to be the same as upon motions. Documents to be used.

26. The course of proceeding in Chambers shall ordinarily be the same as the course of proceeding in Court upon motions. No states of facts, charges, or discharges shall be brought in. But when directed, copies, abstracts, or extracts of or from accounts, deeds, or other documents, and pedigrees and concise statements, shall be supplied for the use of the Judge and his Chief Clerks, and, where so directed, copies shall be handed over to the other parties. But no copies shall be made of deeds or documents where the originals can be brought in, unless the Judge shall otherwise direct. (16th Oct. 1852; Ord. 23.)

RULE 27. Notice of intention to use affidavit.

27. The party intending to use any affidavit on any proceeding in Chambers shall give notice to the other parties concerned of his intention in that behalf. (16th Oct. 1852; Ord. 24.)

RULE 28. Affidavits used in Court.

28. All affidavits which have been previously made and read in Court, upon any proceeding in a cause or matter, may be used before the Judge in Chambers. (3rd April 1828; Ord. 65.)

RULE 29. *Subpœna* for attendance of witness.

29. Where a *subpœna* is required for the attendance of a witness for the purpose of proceedings in Chambers, such *subpœna* shall be issued from the Record and Writ Clerks' Office upon a note from the Judge. (3rd April 1828; Ord. 69.)

RULE 30. Examination by the Chief Clerk.

30. Where a Chief Clerk is directed by the Judge to examine any witness, the practice and mode of proceeding shall be the same as in the case of the examination of

witnesses before an Examiner, subject to any special directions which may be given in any particular case. (16th Oct. 1852; Ord. 26.)

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31. The original examinations and depositions of parties and witnesses taken by or before the Chief Clerk, authenticated by his signature, shall be transmitted by him to the Record and Writ Clerks' Office, to be there filed; and any party to the suit or proceeding may have a copy thereof, or of any part or portion thereof, upon payment of the proper fee. (16th Oct. 1852; Ord. 27.)

Rule 31. Filing of examinations and depositions. Copies thereof.

32. All orders made in Chambers, and drawn up by the Chief Clerk or Registrar, shall be entered in the same manner and in the same office as orders made in open Court are entered. (16th Oct. 1852; Ord. 28.)

Rule 32. Entering of Orders made in Chambers.

33. Where any account is directed to be taken, the accounting party, unless the Judge shall otherwise direct, shall make out his account and verify the same by affidavit. The items on each side of the account shall be numbered consecutively, and the account shall be referred to by the affidavit as an exhibit, and be left in the Judge's Chambers. (16th Oct. 1852; Ord. 29.)

Rule 33. Verification of accounts. Numbering items, and referring to and leaving accounts.

34. Any party seeking to charge any accounting party beyond what he has by his account admitted to have received, shall give notice thereof to the accounting party, stating, so far as he is able, the amount sought to be charged, and the particulars thereof, in a short and succinct manner. (16th Oct. 1852; Ord. 30.)

Rule 34. Surcharging.

35. Where an advertisement is required for the purpose of any proceeding in Chambers, a peremptory and only one shall be issued, unless for any special reason it may be thought necessary to issue a second advertisement or further advertisements; and any advertisement may be repeated as many times and in such papers as may be directed. (16th Oct. 1852; Ord. 33.)

Rule 35. Number of advertisements.

36. The advertisements shall be prepared by the party prosecuting the decree or order, and submitted to the Chief Clerk for approval, and, when approved, shall be signed by him, and such signature shall be sufficient authority to

Rule 36. By whom prepared and signed.

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the printer of the Gazette to insert the same. (16th Oct. 1852; Ord. 34.)

RULE 37. Appointment of day for hearing claimants.

Form of advertisement.

37. Advertisements for creditors or other claimants shall fix a time for the creditors or claimants to come in and prove their claims, and shall appoint a day for the hearing and adjudicating thereon, and may be in a form similar to the form set forth in Schedule (L), with such variations as the circumstances of the case may require. (16th Oct. 1852; Ord. 35.)

RULE 38. Claims to be entered.

Notice thereof, and of affidavit.

38. Claimants coming in pursuant to advertisement shall enter their claims at the Chambers of the Judge in the "Claims Book," for the day appointed for hearing by the advertisement, and shall give notice thereof and of the affidavit filed to the solicitors in the cause, within the time specified in the advertisement for bringing in claims. (16th Oct. 1852; Ord. 36.)

RULE 39. Office copies of affidavits of claimants.

39. The claimants filing affidavits shall not be required to take office copies; but the party prosecuting the cause or matter shall take office copies, and produce the same at the hearing, unless the Judge shall otherwise direct. (16th Oct. 1852; Ord. 37.)

RULE 40. Adjournment.

Closing further evidence.

Mode of adducing same.

40. Where, on the day appointed for hearing the claims, any of them remain undisposed of, an adjournment day for hearing such claims shall be fixed; and where further evidence is to be adduced, a time may be named within which the evidence on both sides is to be closed; and directions may be given as to the mode in which such evidence is to be adduced. (16th Oct. 1852; Ord. 38.)

RULE 41. Claim entered and affidavit filed before adjournment day.

41. Any claimant who has not before entered his claim, may be heard on such adjournment day, provided he has entered his claim and filed his affidavit four clear days prior to such day, and no certificate of debts or claims has been made in the mean time. (16th Oct. 1852; Ord. 39.)

RULE 42. Debts not exceeding £5.

42. Creditors claiming debts not exceeding £5, need not attend on the day of hearing, unless required to do so by notice from some party. (16th Oct. 1852; Ord. 40.)

RULE 43. Exclusion of claims.

43. After the time fixed by the advertisement, no claims shall be received (except, as before provided, in case of an

adjournment), unless the Judge at Chambers shall think fit to give special leave, upon application made by summons, and then upon such terms and conditions as to costs and otherwise as the Judge shall think fit. (16th Oct. 1852; Ord. 41.)

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44. A list of all claims allowed shall, when required by the Judge, be made out and left in the Judge's Chambers by the party prosecuting the decree or order. (16th Oct. 1852; Ord. 42.)

RULE 44. List of claims allowed.

45. Where the Court directs any computation of interest, or the apportionment of any fund, which is to be acted upon by the Accountant-General or other person without any further order from the Court, the decree or order made by the Court may direct such computation or apportionment to be made by one of the Chief Clerks attached to the Court of the Judge, and may direct the certificate thereof, signed by such Chief Clerk, to be acted upon accordingly, without the same being signed and adopted by the Judge. (16th Oct. 1852; Ord. 43.)

RULE 45. Computation of interest, or apportionment of fund.

46. Where an account is directed, the certificate shall state the result of such account, and not set the same out by way of schedule, but shall refer to the account verified by the affidavit filed, and shall specify by the numbers attached to the items in the account, which, if any, of such items have been disallowed or varied, and shall state what additions, if any, have been made by way of surcharge. And where the account verified by the affidavit has been so altered that it is necessary to have a fair transcript of the account as altered, such transcript may be required to be made by the party prosecuting the decree or order, and shall then be referred to by the certificate. The accounts, and the transcripts (if any), referred to by certificates, shall be filed therewith, but no copies thereof shall be required to be taken by any party. (16th Oct. 1852; Ord. 44.)

RULE 46. What the certificate is to state in cases of account.

Transcript of account as altered.

Filing of accounts and transcripts.

47. The certificates to be made by the Chief Clerk to the Judge shall not, except the special circumstances of the case shall render it necessary, set out the decree or

RULE 47. Certificate only to refer to order, documents, or evidence.

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order or any documents or evidence or reasons, but shall refer to the decree or order, documents, and evidence, or particular paragraphs thereof, so that it may appear upon what the result stated in any such certificate is founded. (16th Oct. 1852; Ord. 45.)

RULE 48. Form of Chief Clerk's certificate. Transcript thereof.

48. The certificate of the Chief Clerk to the Judge may be in a form similar to the form set forth in Schedule (M), with such variations as the circumstances of the case may require; and, when prepared and settled, it shall be transcribed by the solicitor prosecuting the proceedings, in such form and within such time as the Chief Clerk shall require, and shall then be signed by the Chief Clerk at an adjournment to be made for that purpose. But where, from the nature of the case, the certificate can be drawn and copied in Chambers whilst the parties are present before the Chief Clerk, the same shall be then completed and signed by him without any adjournment. (16th Oct. 1852; Ord. 46.)

RULE 49. Time for taking opinion of Judge before he has signed certificate.

49. The time within which any party is to be at liberty to take the opinion of the Judge upon any proceeding which shall have been concluded, but as to which the certificate of the Chief Clerk shall not have been signed and adopted by the Judge, shall be four clear days after the certificate shall have been signed by the Chief Clerk. (16th Oct. 1852; Ord. 47.)

RULE 50. Summons for taking such opinion.

50. Any party desiring to take the opinion of the Judge, as mentioned in the last preceding Rule, shall, within four clear days after the certificate shall have been signed by the Chief Clerk, obtain a summons for such purpose. (16th Oct. 1852; Ord. 48.)

RULE 51. Signing, by the Judge, of the Chief Clerk's certificate.

51. At the expiration of four clear days after the certificate shall have been signed by the Chief Clerk, if no party has in the mean time obtained a summons to take the opinion of the Judge thereon, the Chief Clerk shall submit the certificate to the Judge for his approval, and the Judge may thereupon, if he approve the same, sign such certificate in testimony of his adoption thereof, as follows:—"Approved, this day of ." (16th Oct. 1852; Ord. 49.)

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52. The time within which an application may be made, by summons or motion, to discharge or vary any certificate which has been signed and adopted by the Judge in Chambers, shall be eight clear days after the filing of such certificate. (16th Oct. 1852; Ord. 51.)

RULE 52. Time for applying to discharge or vary certificate signed by Judge.

53. The 49th, 50th, 51st, and 52nd Rules of this Order shall not apply to certificates which are to be acted upon by the Accountant-General without any further order. Such certificates may be signed and adopted by the Judge on the day after the same shall have been signed by the Chief Clerk, unless any party desiring to take the opinion of the Judge thereon, obtains a summons for that purpose before twelve of the clock on that day. And the time for applying to discharge or vary such certificates, when signed and adopted by the Judge, shall be two clear days after the filing thereof. (1st June 1854; Ord. 4.)

RULE 53. When Chief Clerk's certificate to be acted upon by Accountant-General without further Order, may be signed by Judge. Time for applying to discharge or vary same when signed.

54. The 49th, 50th, 51st, and 52nd Rules of this Order shall not apply to certificates on passing Receivers' accounts. Such certificates may be approved and signed by the Judge without delay, and, upon being so signed, shall be filed and forthwith acted upon. (16th Oct. 1852; Ord. 53.)

RULE 54. Certificates on passing Receivers' accounts.

55. The certificate, when signed by the Judge, with the accounts, if any, to be filed therewith, shall be transmitted by the Chief Clerk to the Report Office, to be there filed. (16th Oct. 1852; Ord. 50.)

RULE 55. Filing of certificate and accounts.

56. Certificates of the Chief Clerk, made as mentioned in the 45th Rule, and not required to be signed and adopted by the Judge, shall be transmitted and filed in the same manner as those signed and adopted by the Judge. (16th Oct. 1852; Ord. 52.)

RULE 56. Filing of certificates of Chief Clerk which require no signature by Judge.

57. A register shall be kept of all proceedings in the Judge's Chambers, with proper dates, so that all the proceedings in each cause or matter may appear consecutively and in chronological order, with a short statement of the questions or points decided or ruled at every hearing. (16th Oct. 1852; Ord. 54.)

RULE 57. Register of proceedings.

58. Any Judge of the Court whose Chambers may be open for business during any vacation may issue sum-

RULE 58. Issuing sum-

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monses in the vacation.

monses for the purpose of any proceeding before any other Judge at Chambers after the vacation. (1st June 1854; Ord. 2.)

RULE 59. Signing and adopting certificate of Chief Clerk of another Judge, and prosecution of decree or order of another Judge.

59. In the interval between the close of the sittings after any Term and the commencement of the sittings before or at the beginning of the next ensuing Term, any Judge of the Court may sign and adopt any certificate made by the Chief Clerk of any other Judge; and decrees or orders made by any Judge of the Court may be prosecuted at the Chambers of any other Judge by his permission; and in case the prosecution thereof shall not be completed during such interval, the prosecution may be continued at the Chambers of the same Judge, if and so far as he shall think fit. In all cases in which any Judge signs and adopts a certificate made in pursuance of a decree or order made by any other Judge, it shall be expressed that he does so for such other Judge; and such certificate shall in all future proceedings be deemed to be signed and adopted by the Judge for whom it is signed and adopted, save that no application to discharge or vary such certificate shall be made to the Judge for whom the same is signed and adopted, without the consent of the Judge by whom it has been signed and adopted; and the Judge by whom it has been signed and adopted shall have the same power to discharge or vary the certificate as he would have had if it had been made in pursuance of a decree or order made by himself. (26th July 1853.)

RULE 60. Scandal.

60. If any party wishes to complain of any matter introduced into any statement, affidavit, or other proceeding before the Judge in Chambers, on the ground that it is scandalous, he shall be at liberty to take out a summons for the Judge to examine such matter, and the Judge may cause any such matter which he shall deem to be scandalous to be expunged. (3rd April 1828; Ord. 73.)

RULE 61. Judge in Chambers to have powers of the Masters.

61. All other powers and authorities which at the time of the passing of the Stat. 15 & 16 Vict. c. 80, were exercisable by the Masters in Ordinary of the Court of Chancery, under or by virtue of any general order or orders of the Court,

may be exercised by the Judge in Chambers. (16th Oct. 1852; Ord. 58.)

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62. The power of the Court and of the Judge in Chambers to enlarge or abridge the time for doing any act or taking any proceeding, and to give any special direction as to the course of proceeding in any cause or matter, shall not be affected by this Order. (16th Oct. 1852; Ord. 59.)

RULE 62. Power of Court or Judge, as to time and course of proceeding.

ORDER XXXVI.

ORD. XXXVI. *Copies.*

COPIES.

I. *Copies to be made by Officers of the Court.*

1. The following copies shall continue to be made by the officers of the Court; that is to say, office copies of proceedings filed in the Report Office; office copies of answers, exceptions, pleas, and demurrers; office copies of depositions of witnesses and examinations of parties to be made for and taken by the party on whose behalf such depositions and examinations are taken; office copies of affidavits to be made for and taken by the party filing the same; and office copies of affidavits to be taken under the 39th Rule of Order XXXV. And such copies shall be written on paper of a convenient size, with a sufficient margin, and in a neat and legible manner, similar to that usually adopted by law-stationers; and shall be made by the persons, in the manner, and at the charges (collected by means of stamps), mentioned and prescribed in and by the Regulations subjoined to these Orders, and such other Regulations as shall for the time being be made in that behalf; and, subject thereto, by the persons by whom, and in the manner and at the charges in and at which, they are now made. (25th Oct. 1852; Ord. 1 and 2.)

RULE 1. Copies to be made by the officers of the Court.

*2. No office copy of any pleadings, decrees, or orders shall be delivered out of the office of the Clerks of Records and Writs, or shall be capable of being used in Court, or in the Judges' Chambers, unless the same shall have been signed by one of the Clerks of Records and Writs; and no

RULE *2. Office copies to be signed by Clerks of Records and Writs.

ORD. XXXVI. *Copies.*

Costs of copies not so signed.

costs of any such copy not so signed shall be allowed on any taxation of costs. (23rd June, 1596. Oct., 1622; Ord. 2. Hil. Term, 1667-8; Ord. 7.)

II. *Copies to be made by Parties or Solicitors.*

RULE 3. How copies are to be made, delivered, charged, and paid for.

3. Copies of pleadings and other proceedings in the Court, and of the documents relating thereto, except such copies as are mentioned in the 1st Rule of this Order, instead of being made and delivered by officers of the Court at the office in which they are filed or left, shall be made, delivered, charged, and paid for, according to the following rules of this Order. (25th Oct. 1852; Ord. 1.)

RULE 4. Application for copies, and undertaking to pay charges.

4. The party or his solicitor requiring any copy, save as excepted in the preceding Rule, shall make a written application to the party by whom the copy ought to be delivered, or his solicitor, with an undertaking to pay the proper charges. (25th Oct. 1852; Ord. 1, Art. 2.)

RULE 5. By whom copy is to be supplied.

5. Upon such requisition being made, with such undertaking as aforesaid, copies of such pleadings, proceedings, or documents, shall be made by the party or his solicitor filing or leaving the same, or who under the 1st Rule may have taken office copies thereof. (25th Oct. 1852; Ord. 1, Art. 3.)

RULE 6. When copy is to be ready.

Delivery.

6. The copies shall be ready to be delivered at the expiration of forty-eight hours after the delivery of such request and undertaking, or within such other time as the Court may in any case direct, and shall be delivered accordingly on demand, upon payment of the proper charges. (25th Oct. 1852; Ord. 1, Art. 4.)

RULE 7. Copies of bills of costs.

7. Copies of bills of costs shall be made side for side, so as to correspond with the bills of costs left in the office. (25th Oct. 1852; Ord. 1, Art. 6.)

RULE 8. Numbering of folios of copies, and indorsement.

Party or solicitor answerable for their accuracy.

8. The folios of all copies shall be numbered consecutively in the margin thereof; and the name and address of the party or solicitor by whom the same are made, shall be indorsed thereon in like manner as upon the proceedings in the Court; and such party or solicitor shall be answerable for every such copy being a true copy of the original, or of an office copy of the original pleading, proceeding, or docu-

ment of which it purports to be a copy, as the case may be. (25th Oct. 1852; Ord. 1, Art. 7.)

ORD. XXXVI. *Copies.*

9. In cases of *ex parte* applications for injunctions or writs of *ne exeat regno*, the party making such application shall deliver copies of the affidavits upon which it is granted, upon payment of the proper charges, immediately upon the receipt of such written request and undertaking as aforesaid, or within such time as may be specified in such request or may have been directed by the Court. (25th Oct. 1852; Ord. 1, Art. 8.)

RULE 9. Time for delivery of copies of affidavits, in cases of *ex parte* injunctions and writs *ne exeat regno.*

10. Any party or solicitor who has taken any office copy mentioned in the 1st Rule, shall produce the same in Court or at the Judge's Chambers, when required for the purpose of the proceedings to which the same relates. (25th Oct. 1852; Ord. 1, Art. 9.)

RULE 10. Production of office copies.

11. All copies to be delivered by parties or their solicitors, shall be written on paper of a convenient size, with a sufficient margin, and in a neat and legible manner, similar to that which is usually adopted by law stationers; and unless such copies are so written, the parties or solicitors delivering them shall not be entitled to be paid for the same. (25th Oct. 1852; Ord. 2.)

RULE 11. Manner in which copies are to be made.

12. Where any party or solicitor who is required to deliver any such copy either refuses to deliver the same, or does not deliver the same within the period of forty-eight hours allowed by the 6th Rule of this Order, the person making such application shall be at liberty to procure a copy from the office in which the original shall have been filed, in the same way as if no such application had been made to the party or solicitor; and in such case no costs shall be due or payable to the party or solicitor so making default in respect of the copy so applied for. (25th Oct. 1852; Ord. 3.)

RULE 12. Default in supplying copies.

13. The Taxing Master shall not allow any costs in respect of any copy so taken as aforesaid, unless the same shall appear to him to have been requisite, and to have been made with due care, both as regards the contents and the writing thereof. (25th Oct. 1852; Ord. 5.)

RULE 13. Disallowance of costs of copies.

Ord. XXXVII. *Time.*

ORDER XXXVII.

Time.

(*For other Rules relating to Time, see the other Orders,* passim.)

I. *Time generally.*

Rule 1. Times same in town and country causes.

1. The times of procedure shall be the same in town causes and country causes. (8th May 1845; Ord. 16.)

Rule 2. Time of the day for service of proceedings not requiring personal service.

2. Service of all writs, notices, summonses, orders, warrants, documents, and other proceedings, not requiring personal service upon the person to be affected thereby, shall be made before seven o'clock in the evening, except on Saturday, when it shall be made before two o'clock in the afternoon; and if made after seven o'clock in the evening on any day except Saturday, the service shall be deemed as made on the following day; and if made after two o'clock in the afternoon on Saturday, the service shall be deemed as made on the following Monday. (2nd Feb. 1857.)

Rule 3. Time for demurring alone.

3. A defendant may demur alone to any bill within twelve days after his appearance thereto, but not afterwards. (8th May 1845; Ord. 16, Art. 10.)

Rule *4. Time for putting in plea, answer, or demurrer, where defendant required to answer.

*4. A defendant required to answer a bill, whether original or amended, must put in his plea, answer, or demurrer thereto, not demurring alone, within twenty-eight days from the delivery to him or his solicitor of a copy of the interrogatories which he is required to answer. (7th Aug. 1852, 1st Set, Ord. 19.)

Rule *5. Time, where defendant not so required.

*5. A defendant not required to answer a bill, may, without any leave of the Court, put in a plea, answer, or demurrer, not demurring alone, within fourteen days after the expiration of the time within which he might have been served with interrogatories for his examination in answer to such bill.

Rule *6. Time for answer to amendments and ex-

*6. Where a defendant is ordered to answer amendments and exceptions together, he must put in his further answer and his answer to the amendments of the bill within four-

teen days after he shall have been served with interrogatories for his examination in answer to the amended bill. ORD. XXXVII. *Time.*

Where he does not, and procures no enlargement of the time allowed, he shall be subject to the following liabilities:— ceptions together.

(1.) An attachment may be issued against him; ARTICLE (1).

(2.) He may be committed to prison, and brought to the bar of the Court; ARTICLE (2).

(3.) The plaintiff may file a traversing note, or proceed to take the bill *pro confesso* against him. (8th May 1845; Ord. 16, Art. 15.) ARTICLE (3).

*7. Where the plaintiff amends his bill without requiring an answer to the amendments, a defendant who has answered or has not been required to answer the original bill, but desires to answer the amended bill, must put in his answer thereto within fourteen days after the expiration of the time within which, if an answer had been required, he might have been served with interrogatories for his examination in answer to such amended bill, or within such further time as the Judge may allow. (8th May 1845; Ord. 16, Art. 38.) RULE *7. Time for answer to amendments, where no answer required.

8. Where a defendant, using due diligence, is unable to put in his answer to a bill within the times allowed by these Orders, the Judge, on sufficient cause being shown, may, as often as he shall deem right, allow to such defendant such further time and on such (if any) terms as to the Judge shall seem just. (8th May 1845; Ord. 18. 7th Aug. 1852, 1st Set, Ord. 19.) RULE 8. Further time to answer.

II. *Computation of Time.*

9. Where any limited time from or after any date or event is appointed or allowed for doing any act or taking any proceeding, and such time is not limited by hours, the computation of such limited time shall not include the day of such date or of the happening of such event, but shall commence at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of such limited time according to such computation. (8th May 1845; Ord. 11.) RULE 9. How to compute limited time.

ORD. XXXVII. *Time.*

RULE 10. Months.

10. Where the time for doing any act or taking any proceeding is limited by months not expressed to be calendar months, such time shall be computed by lunar months of twenty-eight days each. (8th May 1845; Ord. 12.)

RULE *11. Exclusion of Sundays and close days.

*11. Where any limited time less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, Sundays, and other days on which the offices are closed, except Monday and Tuesday in Easter week, shall not be reckoned in the computation of such limited time.

RULE 12. Time expiring on Sunday or close day.

12. Where the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next open. (8th May 1845; Ord. 13.)

RULE 13. Where vacation not to be reckoned in computation of time.

13. The times of vacation shall not be reckoned in the computation of the times appointed or allowed for the following purposes:—

ARTICLE (1.) (1.) Amending or obtaining orders for leave to amend bills.

ARTICLE (2.) (2.) Filing or setting down exceptions for scandal or insufficiency, in cases where the time is not limited by notice given pursuant to the 6th Rule of Order XLII.

ARTICLE (3.) (3.) Setting down pleas and demurrers.

ARTICLE (4.) (4.) Filing replications, or setting down causes under the 12th Rule of Order XXXIII., in cases where a defendant puts in an answer to amendments to which the plaintiff has not required an answer. (8th May 1845; Ord. 14. 2nd Nov. 1850; Ord. 4.)

RULE 14. Where time for giving security for costs not to be reckoned.

14. The day on which an order that the plaintiff do give security for costs is served, and the time thenceforward until and including the day on which such security is given, shall not be reckoned in the computation of time allowed a defendant to plead, answer, or demur, or otherwise make his defence to the suit. (8th May 1845; Ord. 15.)

ORD. XXXVII. *Time.*

RULE 15. Extension of time, where the period allowed for certain purposes expires in the Long vacation.

15. Where the fourteen days within which, pursuant to the Orders of the Court, a defendant is bound to file his affidavits in answer to a motion for a decree, or the seven days within which the plaintiff is bound to file his affidavits in reply thereto, or the eight weeks after issue joined within which the evidence in any cause to be used at the hearing thereof is to be closed, or the month after the expiration of such eight weeks within which a witness who has made an affidavit intended to be used by any party to such cause at the hearing thereof is subject to cross-examination, shall expire in the long vacation, the time for the several purposes aforesaid respectively is hereby extended to the fifth day of the ensuing Michaelmas Term, and shall expire on that day, unless enlarged by order. And in cases where the above-mentioned periods of fourteen days and eight weeks respectively shall be extended by virtue of this Order, the seven days within which the plaintiff is bound to file his affidavits in reply, and the month during which a witness is subject to cross-examination, shall be respectively taken to commence from the expiration of such extended periods respectively. (1st June 1854; Ord. 1. 13th Jan. 1855; Ord. 5.)

RULE 16. Additional time for proceeding in consequence of default of solicitor in delivering any copy.

16. Where a party or solicitor by whom any copy ought to be delivered, pursuant to Order XXXVI., refuses to deliver the same, or does not deliver the same within the period of forty-eight hours allowed by the 6th Rule of that Order, an addition of two clear days shall be made to the period within which any proceeding which may have to be taken after obtaining such copy ought to be so taken, so that the person requiring such copy may be as little prejudiced as possible by the neglect of the solicitor to deliver such copy. (25th Oct. 1852; Ord. 4.)

III. *Power of the Court as to Time.*

RULE 17. Power to enlarge or abridge time.

17. The power of the Court or the Judge at Chambers to enlarge or abridge the time for doing any act or taking any proceeding, upon such, if any, terms as the justice of

ORD. XXXVII. *Time.*

the case requires, shall not be affected by these Orders. (8th May 1845; Ord. 21. 7th Aug. 1852, 1st Set, Ord. 46.)

RULE 18. Further enlargement of time.

18. Where the Court or the Judge at Chambers is authorized to appoint the time for any proceeding, or to enlarge the time allowed for any proceeding by General Order, the Court or the Judge at Chambers may further enlarge any time so appointed or enlarged, and on such, if any, terms as shall be deemed just, provided the application for such enlargement is made before the expiration of the time previously allowed, and such enlargement appears to be required for the purposes of justice, and not with a view to create unnecessary delay. (8th May 1845; Ord. 20.)

ORD. XXXVIII *Solicitors' Fees.*

ORDER XXXVIII.

SOLICITORS' FEES.

RULE 1. Costs before Feb. 1, 1857.

1. So far as regards all costs incurred before the 1st of February 1857, solicitors shall be entitled to charge and be allowed the fees which they were entitled to charge and be allowed immediately before the Order of the 30th of January 1857 was made. (30th Jan. 1857; Ord. 1 & 4.)

RULE 2. Costs on and after Feb. 1, 1857.

2. So far as regards all costs incurred on and subsequently to the 1st of February 1857, solicitors shall be entitled to charge and be allowed the fees set forth in the Regulations as to solicitors' fees, subjoined to these Orders, and in such other Regulations as may from time to time be made in that behalf by the Lord Chancellor, by and with the advice and assistance of the other Equity Judges, or the greater number of them. (30th Jan. 1857; Ord. 1 & 4.)

ORDER XXXIX.

ORD. XXXIX. *Court Fees.*

COURT FEES.

RULE 1. Fees before Feb. 1, 1857.

1. So far as regards the fees of Court before the 1st of February 1857, the same shall be regulated in the same manner as they were regulated immediately before the Order of the 30th of January 1857 was made. (30th Jan. 1857; Ord. 1 & 4.)

RULE 2. Fees on and after Feb. 1, 1857.

2. So far as regards the fees of Court on and subsequently to the 1st of February 1857, the same shall be regulated by the Regulations subjoined to these Orders, and by such other Regulations as may from time to time be duly made in that behalf. (30th Jan. 1857; Ord. 1 & 4.)

RULE 3. Fees to be collected by stamps.

Amounts thereof.

3. The fees of Court (save as provided by the 8th Rule of this Order) shall be collected, not in money, but by means of stamps denoting the amount of such fees, to be provided and used as by the Stat. 15 & 16 Vict. c. 87, is directed. And the stamps for denoting the amount of such fees shall be of the amounts set forth in the Regulations as to Court fees subjoined to these Orders, and in such other Regulations as may from time to time be duly made in that behalf. (7th Sept. 1852. 25th Oct. 1852, Ord. 6. 3rd Dec. 1852, Ord. 1. 4th Dec. 1852, Ord. 2. 26th July 1855.)

RULE 4. Inland Revenue Commissioners to provide the same.

Payment into the Bank of proceeds of sale of stamps.

4. The Commissioners of Inland Revenue shall from time to time give the necessary directions for carrying this Order into effect, as is provided by the said last-mentioned Act. And the said Commissioners shall once in every month cause to be paid into the Bank, to the credit of the Accountant-General, to the account there intituled "The Suitors' Fee Fund Account," such sums of money as may have been received by them for the stamps hereinbefore mentioned, after deducting the costs, charges, and expenses incurred by them or by their direction in carrying this Order into effect, and all sums of money repaid on allowance for spoiled stamps; and notice of each

ORD. XXXIX. *Court Fees.*

such payment shall, at the time of making the same, be given by the said Commissioners to the Accountant-General, who shall certify the amount of such payment to the Court. (7th Sept. 1852. 25th Oct. 1852, Ord. 6; 3rd Dec. 1852, Ord. 1; 26th July 1855.)

RULE 5. Mode of using stamps.

5. Such stamps shall be stamped or affixed, at the expense of the parties liable to pay the fees, on or to the vellum, parchment, or paper, on which the proceedings in respect whereof such fees are payable are written or printed, or which may be otherwise used in reference to such proceedings. And where any of such fees are payable in respect of any matter or thing to be done by any Officer or in any Office of the Court, and it has not been customary to use, in reference to such matter or thing, any written or printed document or paper whereon the stamp could be stamped or affixed, the party or his solicitor requiring such matter or thing to be so done, shall make application for the same by a short note or memorandum in writing, and a stamp denoting the amount of the fee so payable shall be stamped on or affixed to such note or memorandum. (25th Oct. 1852, Ord. 6. 3rd Dec. 1852, Ord. 2. 4th Dec. 1852, Ord. 2.)

RULE 6. Defacing stamps.

6. Every Officer of the Court of Chancery (other than a solicitor, as such,) who shall receive any document to which a stamp shall be affixed, pursuant to the provisions of this Order, shall, immediately upon the receipt of such document, cancel or deface the stamp thereon, by writing upon such stamp his name or the initial letters of his name, in such a manner as to show clearly and distinctly that such stamp has been made use of, and so that the same may not be again used; and no such document shall be filed or delivered out until the stamp thereon shall have been cancelled or defaced in manner aforesaid. (1st Aug. 1856; Ord. 2.)

RULE 7. Number of stamps.

7. Where stamps impressed upon adhesive paper are used, the stamp affixed to the document shall be of an amount corresponding as nearly as is practicable with the amount of the stamp which such document requires, in

order that no greater number of adhesive stamps may be affixed to any document than is actually necessary. (1st Aug. 1856; Ord. 8.)

ORD. XXXIX. *Court Fees.*

8. Where costs are directed to be paid out of a fund in Court, the fees of taxation shall not be payable by means of stamps, but shall be carried over by the Accountant-General to the credit of the Suitors' Fee Fund; and, to that intent, the Taxing Master shall in such cases certify the amount of such fees. (25th Oct. 1852; Ord. 7.)

RULE 8. Fees where costs payable out of a fund in Court.

ORDER XL.

COSTS, CHARGES, AND EXPENSES, GENERALLY.

ORDER XL. *Costs, Charges, and Expenses, generally.*

1. The Taxing Masters shall perform all such duties as were formerly referred to or performed by the Masters in Ordinary in relation to the taxation of costs; and shall in respect thereof have all such powers and authorities as were formerly vested in the Masters in Ordinary,

RULE 1. Duties and powers of Taxing Masters.

To administer oaths,

To examine witnesses and parties,

To order the production and inspection of books papers, and documents,

To proceed *de die in diem*,

To make separate reports and certificates,

To require that any party be represented by a separate solicitor.

And to direct and adopt all such other proceedings as might formerly be directed and adopted by the Masters in Ordinary, on references for the taxation of costs, and taking accounts of what is due in respect of such costs, and such other accounts connected therewith as may be directed by the Court. (26th Oct. 1842; Ord. 9.)

2. All references for the taxation of costs shall be made to the Taxing Master in rotation; or if there shall have

RULE 2. To whom

ORDER XL. *Costs, Charges, and Expenses, generally.*

been any former taxation of costs in the same cause or matter, then to the Taxing Master before whom such former taxation shall have taken place. (26th Oct. 1842; Ord. 10.)

references to be made.

RULE 3. Taxing Masters to assist each other.

3. The Taxing Masters shall be respectively assistant to each other; and in the discharge of their duties, and for the better dispatch of the business of their respective offices, any Taxing Master may tax or assist in the taxation of a bill of costs which has been referred to any other Taxing Master for taxation, and for ascertaining what is due in respect of such costs, and in such case shall certify accordingly. (26th Oct. 1842; Ord. 15.)

RULE 4. Solicitor who is Guardian *ad litem.*

4. Where the Court appoints one of the Solicitors of the Court to be guardian *ad litem* of an infant or person of unsound mind, the Court may direct that the costs to be incurred in the performance of the duties of such office shall be borne and paid, either by the parties or some one or more of the parties to the suit in which such appointment is made, or out of any fund in Court in which such infant or person of unsound mind may be interested, and may give directions for the repayment or allowance of such costs, as the justice and circumstances of the case may require. (26th Oct. 1842; Ord. 28.)

RULE 5. Party suing or defending in *formâ pauperis.*

5. Where costs are ordered to be paid to a party suing or defending *in formâ pauperis,* such costs shall be taxed as *dives* costs, unless the Court shall otherwise direct. (10th Dec. 1849.)

RULE 6. Security for costs.

6. One hundred pounds shall be the penal sum in the bond to be given as a security to answer costs by any plaintiff who is out of the jurisdiction of the Court. (3rd April 1828; Ord. 40.)

RULE 7. Amendment of bill.

7. Where the plaintiff is directed to pay to the defendant the costs of the suit, the costs occasioned to a defendant by any amendment of the bill shall be deemed to be part of such defendant's costs in the cause (except as to any amendment which may have been made by special leave of the Court, or which shall appear to have been rendered necessary by the default of such defendant); but there shall

be deducted from such costs any sum which may have been paid by the plaintiff, according to the course of the Court, at the time of any amendment. (3rd April 1828; Ord. 29.)

ORDER XL. *Costs, Charges, and Expenses, generally.*

8. Where, upon taxation, a plaintiff who has obtained a decree with costs is not allowed the costs of any amendment of the bill, upon the ground of its having been unnecessarily made, the defendant's costs, occasioned by such amendment, shall be taxed, and the amount thereof deducted from the costs to be paid by the defendant to the plaintiff. (3rd April 1828; Ord. 30.)

RULE 8. Unnecessary amendment.

9. Where, upon the hearing of any cause, petition, or motion, the Court is of opinion that any pleading, petition, or affidavit, or any part thereof, is improper or of unnecessary length, there, unless the same has been referred for impertinence under the practice existing before the passing of the Stat. 15 & 16 Vict. c. 86, the Court may either declare such pleading, petition, or affidavit, or any part thereof, to be improper or of unnecessary length, or may direct the Taxing Master to look into such pleading, petition, or affidavit, and distinguish what part thereof is improper or of unnecessary length, and may direct the Taxing Master to ascertain the costs occasioned to any party by such part thereof as in the one case may have been declared to be, and in the other case may have been distinguished as being, improper or of unnecessary length, and may make such order as is just for the payment, set-off, or other allowance of such costs. (8th May 1845; Ord. 122.)

RULE 9. Pleadings, &c. improper or of unnecessary length.

10. Where it appears to the Judge in Chambers that any statement, affidavit, or other proceeding before him, contains impertinent or unnecessary matter, he may (without any application made to him for the purpose) disallow such matter, and the Chief Clerk shall distinguish by his initials in the margin the parts so disallowed, and shall state such disallowance in his report or certificate as to the particular inquiry on which such statement, affidavit, or other proceeding shall have been used before him; and in the taxa-

RULE 10. Impertinent or unnecessary matter in statements, affidavits, &c., used in Judge's Chambers.

ORDER XL. *Costs, Charges, and Expenses, generally.*

tion of costs, no costs shall be allowed to the party by or on whose behalf such statement, affidavit, or other proceeding was brought into the Judge's Chambers, for or in respect of the matter so disallowed; and the Taxing Master shall allow to the other parties to the suit or matter all such costs as have been incurred by or occasioned to them by reason of the matter so disallowed; and such costs shall be paid by the party by or on whose behalf such statement, affidavit, or other proceeding was so brought in. (3rd June 1850; Ord. 9.)

RULE 11. Time for applying for costs of impertinent matter.

11. The application to be made under the Stat. 15 & 16 Vict. c. 86. s. 17 for the costs of any impertinent matter introduced into any bill, answer, or other proceeding, shall be made at the time when the Court disposes of the costs of the cause or matter, and not at any other time. (7th Aug. 1852, 1st Set, Ord. 30.)

RULE 12. Separate answers or proceedings by same solicitor.

12. Where the same solicitor is employed for two or more defendants, and separate answers are filed, or other proceedings had, by or for two or more of such defendants separately, the Taxing Master shall consider, in the taxation of such solicitor's bill of costs, either between party and party, or between solicitor and client, whether such separate answers or other proceedings were necessary or proper; and if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, the same shall be disallowed. (3rd April 1828; Ord. 27.)

RULE 13. Costs of insufficiency where exceptions submitted to.

13. Where a defendant submits to exceptions for insufficiency, which have not been set down for hearing, he shall pay to the plaintiff twenty shillings costs. (22nd May 1661; Sand. 300.) And where a plaintiff obtains a decree with costs, the costs occasioned to the plaintiff by the insufficiency of the answer of any defendant who shall have submitted to exceptions for insufficiency, shall be deemed to be part of the plaintiff's costs in the cause, such sum being deducted therefrom as shall have been paid by the defendant upon the exceptions to the said answer being submitted to. (3rd April 1828; Ord. 28.)

ORDER XL. *Costs, Charges, and Expenses, generally.*

RULE 14. Bill of discovery filed by defendant.

14. The costs of a bill of discovery filed by any defendant to a bill for relief shall be costs in the original cause, unless the Court shall otherwise direct. (8th May 1845; Ord. 125.)

RULE 15. Appearance entered by plaintiff.

15. The plaintiff, having duly caused an appearance to be entered for any defendant, is entitled, as against the same defendant, to the costs of and incident to entering such appearance, whatever may be the event of the suit; and such costs shall be added to any costs which the plaintiff may be entitled to receive from such defendant, or be set off against any costs which he may be ordered to pay to such defendant; but payment thereof shall not be otherwise enforced without the leave of the Court. (8th May 1845; Ord. 35.)

RULE 16. Costs of requiring formal party to appear and answer.

16. Where no account, payment, conveyance, or other relief is sought against a party, but the plaintiff requires such party to appear to or answer the bill, the costs occasioned by the plaintiff having required such party so to appear to or answer the bill, and the costs of all proceedings consequent thereon, shall be paid by the plaintiff, unless the Court shall otherwise direct. (26th Aug. 1841; Ord. 29.)

RULE 17. Expenses of having affidavits prepared or settled by counsel.

17. Expenses incurred in consequence of affidavits being prepared or settled by counsel, shall be allowed only when the Taxing Master shall in his discretion, and on consideration of the special circumstances of each case, think such expenses properly incurred; and in such case he shall be at liberty to allow the same or such parts thereof as he may consider just and reasonable, whether the taxation be between solicitor and client or between party and party. (1st June 1854; Ord. 11.)

RULE 18. Costs of written copy or brief of a bill.

18. No costs shall be allowed, either as between party and party or as between solicitor and client, for any written bill or written copy of a bill filed under the Stat. 15 & 16 Vict. c. 86, s. 6, or for any written copy thereof served upon any defendant thereto, or for any written brief of such bill, unless the Court, in disposing of the costs of the cause, shall direct the allowance thereof. (7th Aug. 1852, 1st Set, Ord. 2.)

ORDER XL. *Costs, Charges, and Expenses, generally.*

RULE 19. Payment for printed copies.

19. The payment to be made by the defendant to the plaintiff for printed copies of the bill shall be at the rate of one half-penny per folio. (7th Aug. 1852, 1st Set, Ord. 5)

RULE 20. Two counsel.

20. Where two counsel appear for the same party upon the hearing of any cause or matter, and it appears to the Taxing Master to have been necessary or proper for such party to retain two counsel to appear, the costs occasioned thereby shall be allowed, although both of such counsel may have been selected from the outer bar. (3rd April 1828; Ord. 33.)

RULE 21. Cause struck out for defect on part of plaintiff, and again set down.

21. Where a cause which stands for hearing is called on to be heard, but cannot be decided by reason of a want of parties or other defect on the part of the plaintiff, and is therefore struck out of the paper, and the same cause is again set down, the defendant shall be allowed the taxed costs occasioned by the first setting down, although he does not obtain the costs of the suit. (3rd April 1828; Ord. 34.)

RULE 22. Costs of the day to be £10.

22. Where a cause, being in the paper for hearing, is ordered to be adjourned upon payment of the costs of the day, the party to pay the same, whether before the Lord Chancellor, the Lords Justices, the Master of the Rolls, or one of the Vice-Chancellors, shall pay the sum of ten pounds, unless the Court shall otherwise direct. (3rd April 1828; Ord. 35.)

RULE *23. Abandoned motion.

*23. Where a party gives a notice of motion, and does not move accordingly, he shall pay to the other side, costs to be taxed by the Taxing Master, unless the Court itself shall direct, upon production of the notice of motion, what sum shall be paid for costs. (See Ord. of 5th Aug. 1818.)

RULE *24. Establishing a debt.

*24. A creditor who has come in and established his debt in the Judge's Chambers, under a decree or order in a suit, shall be entitled to the costs of so establishing his debt; and the sum to be allowed for such costs shall be fixed by the Judge, unless he shall think fit to direct the taxation thereof; and the amount of such costs, or the sum allowed in respect thereof, shall be added to the debt so established. (11th April 1842, Ord. 6, amending 47th Ord. of 26th Aug. 1841.)

ORDER XL. *Costs, Charges, and Expenses, generally.*

RULE 25. Taxation of costs by direction of a Judge.

25. Where an account consists in part of any bill of costs, or where the Judge is authorized to fix the amount of costs under the 24th Rule of this Order, the Judge may direct the Taxing Master to assist him in settling such costs, not being the ordinary costs of passing the account of a Receiver; and the Taxing Master, on receiving such direction, shall proceed to tax such costs, and shall have the same powers, and the same fees shall be payable in respect thereof, as if the same had been referred to the Taxing Master by an order, and he shall return the same, with his opinion thereon, to the Judge by whose direction the same were taxed. (26th Oct. 1842; Ord. 12.)

RULE 26. Transmission of books, papers, and documents, by the Judge's Chief Clerk to the Taxing Master.

And return thereof.

26. Where, upon the taxation of any bill of costs, it appears to the Taxing Master, that, for the purpose of duly taxing the same, it is necessary to inspect any books papers or documents relating to the cause or matter in the Chambers of any Judge, the Taxing Master shall be at liberty to request the Chief Clerk of such Judge to cause the same to be transmitted to the office of the Taxing Master; and also to request such Chief Clerk to certify any proceedings in the said Chambers which may be comprised in the bill of costs under taxation; and in such cases the Chief Clerk, when and so soon and at and for such times as the due transaction of the business at the said Chambers will permit, shall direct such books papers and documents to be transmitted to the office of the Taxing Master for his use during the taxation, and shall certify the proceedings which have taken place in the said Chambers according to the request of the Taxing Master; and after the costs in respect of which such request of the Taxing Master was made shall have been certified, the Taxing Master shall cause the same books papers and documents which have been so transmitted to his office, if then remaining there, to be returned to the Chambers of the Judge. (26th Oct. 1842; Ord. 13.)

RULE 27. Memorandum of transmission and return thereof.

27. When any book, paper, or document shall be transmitted from the Chambers of a Judge to the office of a Taxing Master, a memorandum of such transmission shall

ORDER XL. *Costs, Charges, and Expenses, generally.*

be made and signed by the Taxing Master or the clerk of the Taxing Master at whose request such book, paper, or document may be transmitted, and shall be delivered to the Chief Clerk of such Judge; and when any such book, paper, or document shall be returned from the office of the Taxing Master to the Judge's Chambers, a memorandum of such return shall be made and signed by such Chief Clerk, or by one of his clerks, and shall be delivered to the Taxing Master. (26th Oct. 1842; Ord. 14.)

RULE 28. Parties attending Chambers without leave.

28. Parties attending any proceeding in Chambers, without having obtained the previous leave of the Judge to attend the same, shall not be allowed any costs of such attendance, unless by special order of the Court or Judge. (16th Oct. 1852; Ord. 55.)

RULE 29. Counsel attending Chambers.

29. The costs of counsel attending the Judge in Chambers shall not in any case be allowed, unless the Judge certifies it to be a proper case for counsel to attend. (16th Oct. 1852; Ord. 56.)

RULE *30. Costs where drafts are settled by other counsel in addition to the Conveyancing Counsel of the Court.

*30. Where, in pursuance of any direction by the Court or a Judge in Chambers, drafts are settled by any of the Conveyancing Counsel of the Court, the expense of procuring such drafts to be previously or subsequently settled by other Counsel on behalf of the same parties on whose behalf such drafts are settled by the Conveyancing Counsel of the Court, shall not be allowed on taxation as between party and party, or as between solicitor and client, unless the Court or the Judge in Chambers shall otherwise direct. (See Letter by Lord St. Leonards, C., to the Taxing Masters, 24th Decr. 1852.)

RULE 31. Costs occasioned by absence of party, where Judge does not proceed *ex parte*.

31. Where a proceeding in Chambers fails, by reason of the non-attendance of any party, and the Judge does not think it expedient to proceed *ex parte*, the Judge may order such an amount of costs (if any) as he shall think reasonable, to be paid to the party attending, by the absent party or by his solicitor personally. (3rd April 1828, Ord. 55. 3rd June 1850; Ord. 7, 8.)

RULE 32. Expenses to be allowed where

32. Where costs are to be taxed as between party and party, the Taxing Master may allow to the party entitled

ORDER XL. *Costs, Charges, and Expenses, generally.*

to receive such costs all such just and reasonable expenses as appear to have been properly incurred in

The service and execution of writs, and the service of orders, notices, petitions, warrants, and summonses;

Advising with counsel on the pleadings, evidence, and other proceedings in the cause;

Procuring counsel to settle and sign pleadings and such petitions as may appear to be proper to have been settled by Counsel;

Procuring consultations of counsel;

Procuring the attendance of counsel in Judge's Chambers, or in the Masters' offices, where the Judge or Master has certified the case to be proper for counsel to attend;

Procuring evidence by deposition or affidavit, and the attendance of witnesses; and

Supplying counsel with copies of, or extracts from, necessary documents.

costs are taxed as between party and party.

But in allowing such costs, the Taxing Master shall not allow to such party any costs which do not appear to have been necessary or proper for the attainment of justice or for defending his rights, or which appear to have been incurred through over-caution, negligence, or mistake, or merely at the desire of the party. (8th May 1845; Ord. 120.)

RULE 33. Objection to an allowance or disallowance by the Taxing Master.

33. Any party who may be dissatisfied with the allowance or disallowance by the Taxing Master, in any bill of costs taxed by him, of the whole or any part of any item or items, may, at any time before the certificate is signed, deliver to the other party interested therein, and carry in before the Taxing Master, an objection in writing to such allowance or disallowance, specifying therein, by a list in a short and concise form, the items or item or parts or part thereof objected to, and may thereupon apply to the Taxing Master for a warrant to review the taxation in respect of the same. (1st June 1854; Ord. 12.)

RULE 34. Review of taxa-

34. Upon the application for such warrant, or upon the return thereof, the Taxing Master shall re-consider and

ORDER XL. *Costs, Charges, and Expenses, generally.*

review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof; and if so required by either party, he shall state, either in his certificate of taxation or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto. (1st June 1854; Ord. 13.)

tion upon application for a warrant to review or upon the return thereof.

RULE 35. Motion or petition for order to review taxation.

35. Any party who may be dissatisfied with the certificate of the Taxing Master as to any item or part of an item which may have been objected to as aforesaid, may apply to the Court by motion or petition for an order to review the taxation as to the same, and the Court may thereupon make such order as to the Court shall seem just; but the certificate of the Taxing Master shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid. (1st June 1854; Ord. 14.)

RULE 36. Evidence thereon.

36. Such motions and petitions shall be heard and determined upon the evidence which shall have been brought in before the Taxing Master; and no further evidence shall be received upon the hearing thereof, unless the Court shall otherwise direct. (1st June 1854; Ord. 15.)

RULE 37. Gross sum in lieu of taxed costs.

37. Upon interlocutory applications, where the Court deems it proper to award costs to either party, the Court may by the order direct payment of a sum in gross in lieu of taxed costs, and direct by and to whom such sum in gross shall be paid. (8th May 1845; Ord. 123.)

RULE 38. Where no order for taxation necessary.

38. Where a bill or petition is dismissed with costs, or a motion is refused with costs, or any costs are by any general or special order ordered or decreed to be paid, the Taxing Master in rotation, or if there has been any former taxation of costs in the same cause or matter, then the Taxing Master before whom such former taxation has taken place, may tax such costs without any order referring the same for taxation, unless the Court, upon the application of the party alleging himself to be aggrieved, prohibits the taxation of such costs; and the costs to be certified by the Taxing Master shall be recoverable by *subpœna*. (8th May 1845; Ord. 124.)

Recovery of costs.

ORDER XL. *Costs, Charges, and Expenses, generally.*

RULE 39. Taxation of costs in case parties differ about the same.

39. Where it is directed that costs shall be taxed in case the parties differ about the same, the party claiming the costs shall bring the bill of costs into the Taxing Master's Office, and give notice of his having so done to the other party; and at any time within eight days after such notice, such other party shall have liberty to inspect the same without fee, if he thinks fit. And at or before the expiration of the eight days, or such further time as the Taxing Master shall in his discretion allow, such other party shall either agree to pay the costs or signify his dissent therefrom, and shall thereupon be at liberty to tender a sum of money for the costs. But where he makes no such tender, or where the party claiming the costs refuses to accept the sum so tendered, the Taxing Master shall proceed to tax the costs. And where the taxed costs shall not exceed the sum tendered, the costs of the taxation shall be borne by the party claiming the costs. (Ord. of 23rd Nov. 1831; amending 76th Ord. of 3rd April 1828.)

RULE 40. Stating amount of costs taxed.

40. Where any costs are by any decree or order directed to be taxed, and to be paid out of any money in Court, the Taxing Master in his Certificate of taxation, shall state the total amount of all such costs as taxed, without any direction for that purpose in such decree or order. (22nd Aug. 1859; Ord. 13.)

ORDER XLI.

ORDER XLI. *Proceedings under the Statutory Jurisdiction of the Court.*

PROCEEDINGS UNDER THE STATUTORY JURISDICTION OF THE COURT.

I. *Proceedings under the Trustee Relief Act,* 10 & 11 *Vict. c.* 96.

RULE 1. Affidavit of trustee.

1. Any trustee desiring to pay money to the account of or transfer or deposit stock or securities into or in the name of, the Accountant-General, under the Stat. 10 & 11 Vict. c. 96, shall file an affidavit, entitled in the matter of the Act and in the matter of the trust, and setting forth,

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ARTICLE (1.) (1.) His own name and address.

ARTICLE (2.) (2.) The place where he is to be served with any petition or any notice of any proceeding or order of the Court or of the Judge in Chambers, relating to the Trust Fund.

ARTICLE (3.) (3.) The amount of money, stock, or securities, which he proposes to pay or transfer into or deposit in Court to the credit of the trust.

ARTICLE (4.) (4.) A short description of the trust and of the instrument creating it.

ARTICLE (5.) (5.) The names of the persons interested in or entitled to the fund, to the best of the knowledge and belief of the trustee.

ARTICLE (6.) (6.) The submission of the trustee to answer all such inquiries relating to the application of the money, stock, or securities, paid in, transferred, or deposited, under the Act, as the Court or the Judge in Chambers may think proper to make or direct. (10th June 1848; Ord. 1.)

RULE 2. Payment, transfer, or deposit.

2. The Accountant-General, on production of an office copy of the affidavit, shall give the necessary directions for payment, transfer, or deposit, and place the money, stock, or securities, to the account of the particular trust; and such payment, transfer, or deposit, shall be certified in the usual manner. (10th June 1848; Ord. 2.)

RULE 3. Additional statement in affidavit, where investment not desired.

Investment by Accountant-General, where no such statement.

3. Where it is deemed unnecessary to have the money or the dividends or interest of stock or securities invested in the meantime, the affidavit shall further contain a statement to that effect. But where the affidavit contains no such statement, the Accountant-General shall be at liberty to invest, as soon as conveniently may be, the money in Bank Three Pounds per Cent. Annuities in the matter of the particular trust, or in cases of dividends or interest on stock or securities transferred, such dividends or interest in the like stock, and all accumulations of the dividends of the stock in which such money shall be invested, and of the dividends or interest on such stock or securities as aforesaid, from time to time in the like matter, without

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any special order made by the Court in that behalf, and without any formal request for that purpose. Provided always, that where at any time a request in writing, by or on behalf of any party claiming to be entitled, that such investment be discontinued, is left with the Accountant-General, he shall be at liberty to cease making any further investment in the matter of the particular trust until the Court shall have made some order in that behalf. (7th May 1852.)

RULE 4. Notice of payment, transfer, or deposit.

4. The trustee having made the payment, transfer, or deposit, shall forthwith give notice thereof to the several persons named in his affidavit as interested in or entitled to the fund. (10th June 1848; Ord. 3.)

RULE 5. Application by petition or summons.

5. Such persons, or any of them, or the trustee, may apply by petition, or, in cases where the trust fund does not exceed £300 cash or £300 stock, by summons, as occasion may require, respecting the investment, payment out, or distribution of the fund, or of the dividends or interest thereof. (10th June 1848; Ord. 4.)

RULE 6. Notice to trustee of application by *cestui que* trust.

6. The trustee shall be served with notice of any application made to the Court or to the Judge in Chambers, respecting the fund or the dividends or interest thereof, by any person interested therein or entitled thereto. (10th June 1848; Ord. 5.)

RULE 7. Notice to the *cestui que* trust of application by the trustee.

7. The persons interested in or entitled to the fund shall be served with notice of any application made by the trustee to the Court or to the Judge in Chambers, respecting the fund in Court or the interest or dividends thereof. (10th June 1848; Ord. 6.)

RULE 8. Place for service on petitioners.

8. No petition shall be set down to be heard, and no summons shall be sealed, until the petitioner or applicant has first named in his petition or summons a place where he may be served with any petition or summons or notice of any proceeding or order of the Court relating to the Trust Fund. (10th June 1848; Ord. 7.)

RULE 9. Title of petitions, summonses, and affidavits.

9. Petitions presented, summonses issued, and affidavits filed under the said Act, shall be entitled in the matter of the said Act (10 & 11 Vict. c. 96), and in the matter of he particular trust. (10th June 1848; Ord. 8.)

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II. *Proceedings under the Statute* 16 & 17 *Vict. c.* 137, *relating to Charitable Trusts.*

RULE 10. Application to be by summons.

10. Any application to a Judge in Chambers under "The Charitable Trusts Act, 1853," section twenty-eight, shall be made by summons, and such summons may be in the form set out in Schedule (K) No. I., or as near thereto as the nature of the case may permit. (9th Dec. 1853.)

Form of summons.

RULE 11. Fees.

11. The fees payable on proceedings before a Judge in Chambers under the said Act, shall be the same as the fees payable according to the Orders XXXVIII. and XXXIX., in respect of other proceedings commencing by summons, and shall also, in all other respects, be regulated by those Orders. (9th Dec. 1853.)

RULE 12. Fees and costs.

12. Where the Judge directs that any matter commenced by summons under the said Act shall be heard in open Court, the same fees shall be payable, and the same costs shall be allowed, as would have been payable in respect of any other matter so heard. (9th Dec. 1853.)

RULE 13. Appeal.

13. No order made under the said Act by the Judge in Chambers, shall be subject to appeal, where the gross annual income of the charity has not been declared by the Charity Commissioners for England and Wales to exceed one hundred pounds, unless the Judge by whom such order may have been made, shall certify that such appeal ought to be permitted, either absolutely or on such terms as the Judge may think fit to impose. (9th Dec. 1853.)

III. *Proceedings under the Statute* 19 & 20 *Vict. c.* 120, *relating to Leases and Sales of Settled Estates.*

RULE 14. Name, address, and description of, and place for service on petitioner.

14. Every petition under the Act, and every public and private notice required by the Act, shall set forth the name, address, and description of the petitioner, and also a place in London, Westminster, or the borough of Southwark, or within two miles from the Record and Writ Clerks' Office, where he may be served with any order of the Court or of the Judge in Chambers, or notice relating to the subject of the petition. (15th Nov. 1856; Ord. 1.)

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RULE 15. How petitions, notices, affidavits, and proceedings entitled.

15. All petitions and notices, and also all affidavits and other proceedings under the Act, shall be entitled in the matter of the Act, and in the matter of the property in question, mentioning the county and parish or place in which it is situate, and describing it by general terms; and every such petition shall be marked with the words "Master of the Rolls," or with the title of the Vice-Chancellor before whom it is intended to be heard. (15th Nov. 1856; Ord. 2.)

Marking of petition.

RULE 16. Directions as to advertisements.

16. After any such petition has been presented, application may be made *ex parte* and in Chambers to the Judge before whom it is intended to be heard, for directions in what newspapers the notices required by the Act are to be inserted. (15th Nov. 1856; Ord. 3.)

RULE 17. Time for motions under s. 20.

17. Motions under the 20th section of the Act may be made *ex parte*, within seven clear days after the publication of the advertisement which may be last inserted in the newspaper, but not later, except by special leave of the Court; and every order made on any such motion must be served on the petitioner within four days after the making thereof. (15th Nov. 1856; Ord. 4.)

Service of order made thereon.

RULE 18. Application for copy of petition.

18. If the person obtaining such order shall require a copy of the petition, such person shall, at the time of serving such order, make a written application to the petitioner for such copy, with an undertaking to pay all proper charges for the same. (15th Nov. 1856; Ord. 5.)

RULE 19. Delivery and payment.

19. Within two clear days after such application, a copy of the petition shall be ready to be delivered, and shall be delivered on demand, and on payment for the same, after the rate of fourpence per folio. (15th Nov. 1856; Ord. 6.)

RULE 20. Time for hearing of petition.

20. No petition under the Act shall be set down for hearing until after the expiration of twenty-one days from the publication of the last of the advertisements. (15th Nov. 1856; Ord. 7.)

RULE 21. Evidence of no previous application to Parliament.

21. Upon every application under the Act, the Court must be satisfied by sufficient evidence that no such previous application to Parliament as is mentioned in the 21st section

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of the Act, has been made and rejected, or reported against. (15th Nov. 1856; Ord. 8.)

RULE 22. Evidence as to parties interested, and as to expediency of sale.

22. On every application under the Act for authority to sell, the Court must be satisfied by sufficient evidence who are the parties interested in the estate, whose consent is required by the Act, and what are the circumstances which render the proposed sale proper and expedient. (15th Nov. 1856; Ord. 9.)

RULE 23. Special directions under s. 36.

23. Where, under the provisions of the 36th section of the Act, it shall be necessary to obtain the special directions of the Court for any application to the Court, or any consent to such application, such special directions may be obtained *ex parte* by summons at the Chambers of the Judge to whose Court the application may be intended to be made or may have been made. (15th Nov. 1856; Ord. 10.)

RULE 24. Order to specify on what documents notice under s. 22 indorsed.

24. Every Order of the Court made in pursuance of the powers conferred on it by the Act, shall specify on what document or documents (if any) the notice referred to by the 22nd section of the Act shall be placed or indorsed; and the Judge may, if he thinks fit, require that such document or documents so indorsed shall be produced in Court for his inspection; and in case of any such Order relating to lands in a register county or district, the Court may order a duplicate or a memorial of the same to be registered. (15th Nov. 1856; Ord. 11.)

RULE 25. Fees and allowances.

25. The fees and allowances to all officers and solicitors of the Court, in respect of the matters under the Act, shall be such fees and allowances as by the practice of the Court, and Orders XXXVIII. and XXXIX. they are entitled to take and charge for business of a similar nature. (15th Nov. 1856; Ord. 12.)

IV. *Proceedings under the Statute* 21 & 22 *Vict., c.* 27, *relating to the Amendment of the Procedure in the Court of Chancery.*

RULE 26. Question to be

26. Any question of fact, or any question as to the amount of damages, which shall in any suit or proceeding be directed

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by any order to be tried by a jury before the Court itself, or before the Court itself without a jury, shall be reduced into writing in the form set forth in Schedule (N.), No. 1 or 2, and the same shall be copied on parchment by the plaintiff or such person as the Court shall direct, or by the solicitor for such plaintiff or person, and shall be called the "Record for Trial;" and the same shall be filed with the Clerk of Records and Writs in whose division such suit or proceeding may be, within three days after such order shall have been passed and entered; and within three days after such filing as aforesaid, the same shall be entered for trial as hereinafter mentioned. (4th April 1859; Ord. 3.)

tried to be reduced into a certain form, copied, and called the "Record for Trial," and filed, and entered for trial.

RULE 27. Direction for special jury.

27. Where the Court shall order such question or questions to be tried by a special jury, a direction to that effect shall be contained in the order directing such trial. (4th April 1859; Ord. 4.)

RULE 28. Entering for trial, and marking same. Day for trial.

28. Upon production to the Registrar of a certificate of the Clerk of Records and Writs that the "Record for Trial" has been filed, the same shall be set down for trial in the Cause Book of the Judge to whose Court the suit or proceeding is attached, and shall be marked "Trial by Jury," or "Trial before the Court without a Jury," as the case may be; and either party may apply to the Court to fix a day for such trial. (4th April 1859; Ord. 5.)

RULE 29. Obtaining and serving order for common jury. Form of order.

29. Where such trial is to take place by a common jury before the Court itself, the plaintiff or such person as aforesaid, ten days at the least before the day fixed for such trial, shall obtain, on motion or petition as of course, and serve on the Sheriff, or, if he is interested in the matter in question, then upon the Coroner, an order for such Sheriff or Coroner to summon a common jury for such trial, which order shall be in the form set forth in Schedule (N), No. 3. (4th April 1859; Ord. 6.)

RULE 30. Obtaining and serving an order for special jury, where

30. Where the Court shall have specially directed such question or questions to be tried by a special jury, the plaintiff or such other person as aforesaid, shall, ten days at the least before the day fixed for such trial, obtain

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on motion or petition as of course, and serve on the Sheriff or Coroner as aforesaid, and on the opposite party, an order for a special jury, which order shall be in the form set forth in Schedule (N), No. 4; and the expense of such special jury shall in the first instance be borne and paid by the plaintiff or such other person as aforesaid, but shall afterwards be paid and borne as the Court shall direct. (4th April 1859; Ord. 7.)

directed by the Court.

Expense of special jury.

RULE 31. Obtaining and serving an order for a special jury, where not directed by the Court.

31. Where the Court shall not have specially directed such question or questions to be tried by a special jury, either party shall be at liberty, fourteen days at the least before the day fixed for such trial, to obtain on motion or petition of course, an order for a special jury, and shall serve the same on the opposite party twelve days at the least, and on the Sheriff or Coroner ten days at the least, before the day fixed for such trial; and the expense of such special jury shall in the first instance be borne by the party obtaining the same; but if the Court upon such trial shall be of opinion that it was proper that such trial should be had by a special jury, the Court may give such directions as to the costs thereof as it shall think fit. (4th April 1859; Ord. 8.)

Expense of special jury.

RULE 32. Summoning common jury in addition to special jury.

32. Where an order shall have been made for a special jury, such Sheriff or Coroner shall, in addition to the special jury, summon twelve common jurymen for such trial, in order that, in the event of a sufficient number of special jurors not being in attendance to make a jury, a tales may be directed by the Court or prayed for by either party, as hereinafter provided. (4th April 1859; Ord. 9.)

RULE 33. Return of order and jury panel.

33. The order for any such common or special jury as aforesaid shall be returned by such Sheriff or Coroner to the solicitor or person who shall have lodged the same, together with his return and the jury panel; and such order and jury panel shall, two days at the least before the day of trial, be left with the Clerk of Record and Writs to be annexed to the Record for trial. (4th April 1859; Ord. 10.)

Leaving same with the Clerk of Records and Writs, to be annexed to the Record.

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RULE 34. Making up special jury from common jurymen, where special jury directed by the Court.

34. Where the trial shall have been specially directed by the Court to be by a special jury, then in the event of there not being a sufficient number of special jurymen in attendance to make such jury, it shall be in the discretion of the Court whether or not to have such jury made up from the common jurymen in attendance. (4th April 1859; Ord. 11.)

RULE 35. Making up special jury, where special jury not so directed.

35. Where a special jury shall have been summoned at the instance of either party, without the special direction of the Court, then in the event of a sufficient number of special jurymen not being in attendance to make such jury, the same shall, unless the Court shall otherwise direct, be made up from the common jurymen in attendance, on the application of either party. (4th April 1859; Ord. 12.)

RULE 36. Summons for a view. Naming a shower. Form of order.

36. Either party shall be at liberty to apply by summons to a Judge at Chambers for a view by the jury summoned for any trial; and on the hearing of such summons each party shall name a shower for such view; and any order to be made on such application shall be in the form set forth in Schedule (N), No. 5. (4th April 1859; Ord. 13.)

RULE 37. Statement of place of view and distance thereof. Deposit. Scale of charges.

37. The summons for a view, and the order to be made thereon, shall state the place at which the view is to be made, and the distance thereof from the office of the Under-Sheriff. And the sum to be deposited in the hands of the Under-Sheriff shall be £10 in case of a common jury, and £16 in case of a special jury, if such distance shall not exceed five miles, and £15 in case of a common jury, and £21 in case of a special jury, if it shall be above five miles; and if such sum shall be more than sufficient to pay the expenses of the view, the surplus shall forthwith be returned to the solicitor or party who obtained the view; and if such sum shall not be sufficient to pay such expenses, the deficiency shall forthwith be paid by such solicitor or party to the Under-Sheriff. And the Under-Sheriff shall pay and account for the money so deposited according to the scale following, that is to say:—

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For travelling expenses to the Under-Sheriff, showers, and jurymen, expenses already paid, if reasonable.			
Fee to the Under-Sheriff when the distance does not exceed five miles from his office . .	1	1	0
Where such distance exceeds five miles . .	2	2	0
And in case he shall be necessarily absent more than one day, then for each day after the first, a further fee of	1	1	0
Fee to each of the showers, the same as the Under-Sheriff, calculating the distance from their respective places of abode.			
Fee to common jurymen, per diem . . .	0	5	0
For each special jurymen, per diem . . .	1	1	0
Allowance for refreshment to the Under-Sheriff, showers, and jurymen, whether common or special, each per diem	0	5	0
To the bailiff, for summoning each juryman whose residence shall not be more than five miles distant from the office of the Under-Sheriff	0	2	6
And to the bailiff, for summoning each juryman whose residence does exceed five miles of such distance	0	5	0

(4th April 1859; Ord. 14.)

RULE 38. Nominating and reducing special jury, and proceedings after the order for a view.

38. The mode and practice of proceeding to nominate and reduce a special jury, and the proceedings after any order for a view shall have been made as aforesaid, shall be the same in all respects as are now or for the time being shall be in force in the superior courts of common law, when a special jury is ordered to be struck or a view is to be had, or as near thereto as the practice of this Court will admit. (4th April 1859; Ord. 15.)

RULE 39. Form of notice to admit documents.

39. The notice to admit documents may be according to the form set forth in Schedule (N), No. 6. (4th April 1859; Ord. 16.)

RULE 40. Payment of

40. Where the Court shall award damages, and direct a trial as to the amount of such damages before the Court

ORDER XLI. *Proceedings under the Statutory Jurisdiction of the Court.*

itself, either with or without a jury, or direct a writ of inquiry of damages as hereinafter provided for, or an inquiry as to the amount of damages in any other manner, the defendant or other the person against whom damages shall have been awarded may take out a summons before a Judge at Chambers for liberty to pay into Court a sum of money in respect of such damages; and in case such liberty shall be given and a sum of money shall be paid into Court accordingly, then in the event of a larger sum for damages not being awarded than the amount so paid into Court, the plaintiff or person seeking such damages, shall pay the costs of such trial or writ of inquiry or inquiry in any such other manner as aforesaid, unless the Court shall otherwise direct. (4th April 1859; Ord. 17.)

money into Court in respect of damages.

Costs of trial or inquiry.

RULE 41. Record, Sheriff's return, and jury panel to be transmitted to Registrar, and copy left for Judge.

41. On the day appointed for any trial, and previously to the commencement thereof, the record for trial with the return and jury panel (if any) annexed thereto, shall be transmitted by the Clerk of Records and Writs to the Registrar of the Court in attendance; and a copy thereof shall be left for the Judge before whom such trial is appointed to be had, by the person at whose instance the same may have been entered for trial. (4th April 1859; Ord. 18.)

RULE 42. Calling jurors, and administering oath to them.

Administering oath or declaration to witnesses.

42. The jurors shall be called by the Registrar of the Court, and the oath shall be administered to them by such Registrar, and shall be in the form set forth in Schedule (N), No. 7. The witnesses shall be called by the Usher of the Court; and the oath (or declaration as the case may be) shall be administered by the Registrar of the Court to the witnesses, and shall be in the form set forth in the same Schedule, No. 8 or 9. (4th April 1859; Ord. 19.)

RULE 43. Addresses to the jury or the Court.

43. Upon every such trial the addresses to the jury or to the Court, as the case may be, shall be regulated as follows:—The party who begins, or his counsel, shall be allowed, in the event of his opponent not announcing at the close of the case of the party who begins, his intention to adduce evidence, to address the jury a second time at the

ORDER XLI. *Proceedings under the Statutory Jurisdiction of the Court.*

close of such case, for the purpose of summing up the evidence; and the party on the other side, or his counsel, shall be allowed to open the case, and also to sum up the evidence (if any); and the right to reply shall be the same as at present in force in the Superior Courts of Common Law on trials at Nisi Prius. (4th April 1859; Ord. 20.)

RULE 44. Usher to take charge of jury.

His oath.

44. Where the jury retire from the Court to consider their verdict, they shall be taken charge of by the Usher of the Court; but previously thereto the Registrar of the Court shall administer to such Usher an oath according to the form set forth in Schedule (N), No. 10. (4th April, 1859; Ord. 21.)

RULE 45. Indorsement and signature by the Registrar.

Return of Record for Trial and jury panel.

45. The verdict or finding of the jury, or of the Court, as the case may be, shall be indorsed by the Registrar of the Court on the Record for Trial, and shall be signed by him, and then returned to the Office of the Clerks of Records and Writs to be filed, and if the trial shall have been by a jury, then with the jury panel and the names of the jurors who were sworn indorsed thereon. (4th April 1859; Ord. 22.)

RULE 46. Notice of application for a new trial.

46. The notice of any application for a new trial, whether to the Judge before whom such trial shall have been had, or to the Lord Chancellor or the Lords Justices, shall be given for the times following:—If such trial shall have been had in Hilary, Trinity, or Michaelmas Term, then not later than for the 3rd seal after such term; and if such trial shall have been had in Easter Term, or during the sittings after Hilary, Trinity, or Michaelmas Term, then not later than for the 3rd motion day in the term then next ensuing. (4th April 1859; Ord. 23.)

RULE 47. Writ of inquiry of damages.

47. Where the Court shall award damages to any person, by virtue of the powers contained in the 2nd section of the said Act, and shall order the amount of such damages to be assessed by a jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or at the assizes, or before the sheriff of any county or city the person to whom such damages shall be awarded shall be at liberty to sue out at the Office of the Clerks of

Records and Writs a writ of inquiry of damages according to the form set forth in Schedule (N), No. 11, 12, or 14. (4th April 1859; Ord. 24.)

ORDER XLI. *Proceedings under the Statutory Jurisdiction of the Court.*

48. The rules now in force in the Courts of Common Law relative to notices of inquiry shall be applicable to notices of inquiry under any writ of inquiry to be issued by virtue of the last preceding Rule. (4th April 1859; Ord. 25.)

RULE 48. Notices of inquiry.

49. The return to the writ of inquiry of the verdict or inquisition, shall be in the form set forth in Schedule (N), No. 13; and the writ of inquiry, with such return thereto, shall, within ten days after such return, be filed at the Office of the Clerks of Records and Writs. (4th April 1859; Ord. 26.)

RULE 49. Form of return to writ of inquiry. Filing of such writ and the return.

50. Any application to set aside the verdict or inquisition on any such writ of inquiry, and to direct a new inquiry, shall be made within ten days after the filing thereof, exclusive of any days on which the Court to which such application ought to be made shall not be sitting. (4th April 1859; Ord. 27.)

RULE 50. Application to set aside verdict or inquisition.

51. Either party shall be at liberty to sue out, at the Record and Writ Clerks' Office, *subpœnas ad testificandum* and *subpœnas duces tecum*, to compel the attendance of witnesses on any trial, according to the forms now, or which for the time being shall be, in use in this Court, or as near thereto as the circumstances of each case will admit. (4th April 1859; Ord. 28.)

RULE 51. *Subpœnas ad testificandum* and *duces tecum*.

52. The forms of proceedings contained in Schedule (N), may be used in the cases to which they are applicable, with such alterations as the circumstances of the case may render necessary; and any variance therefrom, not being a matter of substance, shall not affect their validity or regularity. (4th April 1859; Ord. 29.)

RULE 52. Use of forms with variations.

ORDER XLII. *Miscellaneous Points.*

ORDER XLII.

MISCELLANEOUS POINTS.

I. *Contempt.*

RULE 1. Privilege from arrest.

1. Officers and attendants upon the Court, suitors and witnesses, are to have privilege *eundo, redeundo, et morando*, for their necessary attendance, but not otherwise; and where any of them are arrested at such times of necessary attendance, it is a contempt of Court. (29th Jan. 1618-19; Ord. 86.)

RULE 2. Improper conduct.

2. Any one who uses violence or abusive language to a person serving the process or orders of the Court, or uses scandalous or contemptuous words against the Court or the process thereof, shall be liable to be committed upon motion, on notice to the person so offending. (22nd May 1661; Sand. 308. 29 Jan. 1618-19; Ord. 77.)

II. *Documents.*

RULE 3. Deposit of documents.

3. Where any deeds or other documents are ordered to be left or deposited, whether for safe custody, or for the purpose of any inquiry in Chambers or otherwise, the same shall be left or deposited in the Record and Writ Clerks' Office, and shall be subject to such directions as may be given for the production thereof. (16th Oct. 1852; Ord. 57.)

RULE 4. Production of documents.

4. The course of procedure in use as to the production of documents ordered to be produced before the hearing of a cause, shall extend and be applied to the production of documents ordered to be produced after the hearing of any cause or matter. (1st June 1854; Ord. 3.)

III. *Election.*

RULE 5. Where compelled by a defendant whose answer is not excepted to.

5. A defendant, whose answer is not excepted to or set down for hearing on former exceptions, alleging that the plaintiff is prosecuting him in this Court and also at law for the same matter, may, upon the expiration of eight days after his answer or further answer is filed, obtain as of

course, on motion or petition, the usual order for the plaintiff to make his election in which Court he will proceed. (2nd Nov. 1850; Ord. 7.)

RULE 6. Where compelled by a defendant whose answer is excepted to.

6. A defendant, whose answer is excepted to, alleging that the plaintiff is prosecuting him in this Court and also at law for the same matter, may by notice in writing require the plaintiff to set down the exceptions within four days from the service of the notice. And if the plaintiff does not set down such exceptions within such four days, or if they are not allowed, such defendant is entitled as of course, on motion or petition, to obtain the usual order for the plaintiff to make his election in which Court he will proceed. (2nd Nov. 1850; Ord. 13. 8th May 1845; Ord. 51, and Ord. 16, Art. 21.)

RULE *7. Where compelled by a defendant from whom an answer is not required.

*7. A defendant, from whom an answer is not required, alleging that the plaintiff is prosecuting him in this Court and also at law for the same matter, may, upon the expiration of the time within which he might have been served with interrogatories for his examination in answer to such bill, obtain, as of course, on motion or petition, the usual order for the plaintiff to make his election in which Court he will proceed.

RULE *8. Moving to discharge order to elect.

*8. In cases referred to in the last three preceding Rules, the plaintiff may move to discharge such order, on the merits confessed in the answer, or, if necessary, appearing by affidavit. (8th May 1845; Ord. 51.)

IV. *Interest.*

RULE 9. Computation of interest on debts.

9. Where a decree or order is made directing an account of the debts of a deceased person, unless otherwise ordered, interest shall be computed on such debts, as to such of them as carry interest, after the rate they respectively carry, and as to all others, after the rate of four per cent. per annum, from the date of the decree or order. (16th Oct. 1852; Ord. 10.)

RULE 10. Payment of interest on debts not

10. A creditor, whose debt does not carry interest, who comes in and establishes the same before the Judge in Chambers, under a decree or order of the Court or of the

ORDER XLII. *Miscellaneous Points.*

carrying interest.

Judge in Chambers, shall be entitled to interest upon his debt, at the rate of four per cent. per annum from the date of the decree or order, out of any assets which may remain after satisfying the costs of the suit, the debts established, and the interest of such debts as by law carry interest. (26th Aug. 1841 ; Ord. 46.)

RULE 11. Interest on legacies.

11. Where a decree or order is made directing an account of legacies, interest shall be computed on such legacies after the rate of four per cent. per annum, from the end of one year after the testator's death, unless otherwise ordered, or unless any other time of payment or rate of interest is directed by the will, and in that case according to the will. (16th Oct. 1852; Ord. 11.)

V. *Recognizances.*

RULE 12. Time for inrolment.

12. No recognizance acknowledged in this Court, of what nature or kind soever, shall be inrolled therein after six months from the acknowledgment thereof, except under special circumstances, and by an order made by the Court upon motion for the inrolment thereof after that time. (22nd July 1674.)

RULE 13. To whom given.

13. Recognizances which were formerly given to the Master of the Rolls and the Senior Master in Ordinary, shall be given to the Master of the Rolls and the Senior Vice-Chancellor for the time being. (16th Oct. 1852; Ord. 15.)

RULE 14. Vacating recognizances.

14. Where, by any decree or order, any recognizance shall be directed to be vacated, the Clerk of Inrolments shall, on due notice thereof, attend the Master of the Rolls for that purpose, without any direction for that purpose in such decree or order. (22nd Aug. 1859 ; Ord. 17.)

SCHEDULES.

Schedule (A.)

[Referred to in the 2nd Rule of Order IX.]

FORM OF BILL.

In Chancery.

Between John Lee . . . . . Plaintiff.

and

James Styles and Henry Jones . . . . . Defendants.

Bill of Complaint.

To the Right Honorable JOHN Baron CAMPBELL, of St. Andrews, in the County of Fife, Lord High Chancellor of Great Britain.

Humbly complaining, sheweth unto his Lordship, John Lee, of Bedford Square, in the County of Middlesex, Esq., the above-named plaintiff, as follows :—

1. The defendant James Styles, being seised in fee simple of a farm called Blackacre, in the parish of A., in the county of B.,

with the appurtenances, did, by an Indenture dated the 1st of May, 1850, and made between the defendant James Styles of the one part, and the plaintiff of the other part, grant and convey the said farm with the appurtenances unto, and to the use of, the plaintiff, his heirs and assigns, subject to a proviso for redemption thereof, in case the defendant James Styles, his heirs, executors, administrators, or assigns, should on the 1st of May, 1851, pay to the plaintiff, his executors, administrators, or assigns, the sum of £5000, with interest thereon, at the rate of £5 per centum per annum, as by the said Indenture will appear.

2. The whole of the said sum of £5000, together with interest thereon at the rate aforesaid, is now due to the plaintiff.

3. The defendant Henry Jones, claims to have some charge upon the farm and premises comprised in the said Indenture of Mortgage of the 1st of May, 1850, which charge is subsequent to the plaintiff's said mortgage.

4. The plaintiff has frequently applied to the defendants, James Styles and Henry Jones, and required them either to pay the said debt, or else to release the equity of redemption of the premises, but they have refused so to do.

5. The defendants James Styles and Henry Jones, pretend that there are some other mortgages, charges, or incumbrances affecting the premises, but they refuse to discover the particulars thereof.

6. There are divers valuable oak, elm, and other timber and timber-like trees growing and standing on the farm and lands comprised in the said Indenture of Mortgage of the 1st of May, 1850, which trees and timber are a material part of the plaintiff's said security; and if the same or any of them were felled and taken away, the said mortgaged premises would be an insufficient security to the plaintiff for the money due thereon.

7. The defendant James Styles, who is in possession of the said farm, has marked for felling a large quantity of the said oak and elm trees and other timber, and he has, by hand bills, published on the 2nd of December instant, announced the same for sale, and he threatens and intends forthwith to cut down and dispose of a considerable quantity of the said trees and timber on the said farm.

Prayer.

The plaintiff prays as follows:—

1. That an account may be taken of what is due for principal and interest on the said mortgage.
2. That the defendants James Styles and Henry Jones, may be decreed to pay to the plaintiff the amount which shall be so found due, together with his costs of this suit, by a short day to be appointed for that purpose, or, in default thereof, that the defendants James Styles and Henry Jones, and all persons claiming under them, may be absolutely foreclosed of all right and equity of redemption in or to the said mortgaged premises.
3. That the defendant James Styles may be restrained, by the injunction of this Honorable Court, from felling, cutting, or disposing of any of the timber or timber-like trees now standing or growing in or upon the said farm and premises comprised in the said Indenture of Mortgage, or any part thereof.
4. That the plaintiff may have such further or other relief as the nature of the case may require.

The defendants to this Bill of Complaint are,

James Styles,
Henry Jones.

Y. Y.,
(name of Counsel.)

NOTE.—This Bill is filed by Messrs. A. B. and C. D., of Lincoln's Inn, in the County of Middlesex, Solicitors for the above-named plaintiff.

[Ord. of 7th Aug. 1852, 1st Set.]

Schedule (B.)

[Referred to in the 1st Rule of Order XI.]

FORM OF INTERROGATORIES.

In Chancery.

Between John Lee . . . . . Plaintiff.

and

James Styles and Henry Jones . . . . . Defendants.

Interrogatories for the examination of the above-named defendants in answer to the plaintiff's Bill of Complaint.

1. Does not the defendant Henry Jones claim to have some charge upon the farm and premises comprised in the Indenture of Mortgage of the First of May, One thousand eight hundred and fifty, in the plaintiff's Bill mentioned?

2. What are the particulars of such charge, if any, the date, nature, and short effect of the security, and what is due thereon?

3. Are there, or is there, any other mortgages or mortgage, charges or charge, incumbrances or incumbrance, in any and what manner affecting the aforesaid premises, or any part thereof?

4. Set forth the particulars of such mortgages or mortgage, charges or charge, incumbrances or incumbrance; the date, nature, and short effect of the security; what is now due thereon; and who is or are entitled thereto respectively; and when, and by whom, and in what manner, every such mortgage, charge, or incumbrance was created.

The defendant James Styles is required to answer all these interrogatories.

The defendant Henry Jones is required to answer the interrogatories numbered 1 and 2.

Y.Y.,
(name of Counsel.)

[Ord. of 7th Aug. 1852, 1st Set.]

Schedule (C.)

[Referred to in the 1st Rule of Order XV.]

FORM OF ANSWER.

In Chancery.

Between John Lee . . . . . Plaintiff.

and

James Styles and Henry Jones . . . . . Defendants.

The Answer of James Styles, one of the above-named defendants to the Bill of Complaint of the above-named plaintiff.

In answer to the said Bill, I, James Styles, say as follows:—

1. I believe that the defendant Henry Jones, does claim to have a charge upon the farm and premises comprised in the Indenture of Mortgage of the First of May, One thousand eight hundred and fifty, in the plaintiff's Bill mentioned.

2. Such charge was created by an Indenture dated the First of November, One thousand eight hundred and fifty, made between myself of the one part, and the said defendant Henry Jones of the other part, whereby I granted and conveyed the said farm and premises, subject to the mortgage made by the said Indenture of the First of May, One thousand eight hundred and fifty, unto the defendant Henry Jones, for securing the sum of Two thousand pounds and interest at the rate of Five pounds per centum per annum, and the amount due thereon is the said sum of Two thousand pounds, with interest thereon, from the date of such mortgage.

3. To the best of my knowledge, remembrance, and belief, there is not any other mortgage, charge, or incumbrance affecting the aforesaid premises.

M. N.,
(name of Counsel.)

[Ord. of 7th Aug. 1852, 1st Set.]

Schedule (D.)

[Referred to in the 15th Rule of Order XXIII.]

FORM OF ORDERING ACCOUNTS AND INQUIRIES.

This Court doth order [and decree,] that the following accounts and inquiry be taken and made; that is to say,

1. An account of the personal estate not specifically bequeathed, of A. B., deceased, the testator in the pleadings named, come to the hands of, &c.
2. An account of the testator's debts.
3. An account of the testator's funeral expenses.
4. An account of the testator's legacies and annuities (if any) given by the testator's will.
5. An inquiry what parts (if any) of the testator's said personal estate are outstanding or undisposed of.

And it is ordered, that the testator's personal estate not specifically bequeathed, be applied in payment of his debts and funeral expenses in a due course of administration, and then in payment of the legacies and annuities (if any) given by his will.

(*If ordered.*)

And it is ordered, that the following further inquiries and accounts be made and taken; that is to say,

6. An inquiry what real estate the testator was seised of or entitled to at the time of his death.
7. An account of the rents and profits of the testator's real estate received by &c.
8. An inquiry what incumbrances (if any) affect the testator's real estate or any and what parts thereof.

(*If Sale ordered.*)

9. An account of what is due to such of the incumbrancers as shall consent to the sale hereinafter directed in respect of their incumbrances.

10. An inquiry what are the priorities of such last mentioned incumbrances.

11. And it is ordered that the testator's real estate be sold with the approbation of the Judge &c. &c.

And it is ordered, that the further consideration of this cause be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

[Ord. of 7th Aug. 1852, 1st Set.]

Schedule (E.)

[Referred to in the 2nd Rule of Order XXVIII.]

WRITS OF SUBPŒNA.

1.—*Subpœna to hear Judgment.*

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To greeting.

We command you [and every of you] that you appear before our Lord High Chancellor [*or*, before his Lordship, *or*, Honor the Master of the Rolls, *as the cause may be set down*] on the day of next, or whenever thereafter a certain cause now depending in our High Court of Chancery, wherein *A. B.* [and others, *or*, another] is [*or*, are] plaintiff [*or*, plaintiffs], and *C. D.* [and others, *or*, another] is [*or*, are] defendant [*or*, defendants], shall come on for hearing, then and there to receive and abide by such judgment and decree as shall then or thereafter be made and pronounced, upon pain of judgment being pronounced against you by default.

Witness ourself at Westminster, the day of in the year of our reign.

ROMILLY, M. R.

2.—*Subpœna to testify vivâ voce in Court or before Commissioners to examine witnesses, and subpœna duces tecum.*

Victoria, &c.

To greeting.

We command you [and every of you] that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before our Lord High Chancellor [*or*, before his Lordship, *or*, Honor the Master of the Rolls, *or*, before *E. F. or G. H.*, Commissioners named in a commission issued to them for that purpose], at such time and place as the bearer hereof shall by notice in writing appoint, to testify the truth according to your knowledge in a certain suit now depending in our High Court of Chancery, wherein *A. B.* [and others, *or*, another] is [*or*, are] plaintiff [*or*, plaintiffs], and *C. D.* [and others, *or*, another] is [*or*, are] defendant [*or*, defendants], on the part of the
[*in case of subpœna duces tecum, add*, and that you then and there bring with you and produce, *&c.*] And hereof fail not at your peril.

Witness, &c.

ROMILLY, M. R.

3.—*Subpœna ad testificandum, and Subpœna duces tecum.*

Victoria, &c.

To greeting.

We command you [and every of you] that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before , one of the examiners of witnesses in our High Court of Chancery, at his office in Rolls Yard, Chancery Lane, London, at such times as the bearer hereof shall by notice in writing appoint, [*or*, before ,
the examiner specially appointed for the examination of witnesses in our Chancery, at such times and places as the bearer hereof shall by notice in writing appoint], to testify the truth according to your knowledge in a certain cause depending in our said Court of Chancery, wherein *A. B.* [and others, *or*, another] is [*or*, are]

plaintiff [*or*, plaintiffs], and *C. D.* [and others, *or*, another] is [*or*, are] defendant [*or*, defendants], on the part of the
[*in case of subpœna duces tecum, add*, and that you then and there bring with you and produce, *&c.*] And hereof fail not at your peril.

Witness, &c.

ROMILLY, M. R.

4.—*Subpœna for Costs.*

Victoria, &c.

To greeting.

We command you [and every of you] that you pay or cause to be paid, immediately after the service of this writ, to
or the bearer of these presents, £ costs, [[in a cause wherein *A. B.* [and others, *or*, another,] is [*or*, are] plaintiff [*or*, plaintiffs], and *C. D.* [and others, *or*, another] is [*or*, are] defendant [*or*, defendants]], [[*or*, in the matter of
as the case may be]], by our Court of Chancery adjudged to be paid by you, the said , under pain of an attachment issuing against your person, and such process for contempt as the Court shall award in default of such payment.

Witness, &c.

ROMILLY, M. R.

[Ord. of 8th May 1845.]

5.—*Subpœna to Name a Solicitor.*

Victoria, &c.

To greeting.

We command you that, within eight days after the service of this writ on you, exclusive of the day of such service, laying all other matters and excuses aside, you do appear in our High Court of Chancery, and name a solicitor for you in a cause wherein —— are complainants, and —— are defendants, and observe what our said Court shall direct in this behalf, upon pain of an attachment issuing against your person, and such other process of contempt as our said Court shall award. Witness, &c.

ROMILLY, M. R.

[See Braithwaite's Record and Writ Practice, p. 264.]

6.—*Subpœna for an Infant, on coming of Age, to shew Cause against Decree.*

Victoria, &c.

To greeting.

We command you, that within days after the service of this writ on you, exclusive of the day of such service, you do shew unto our High Court of Chancery good cause why a certain decree, made by , on the day of in a certain cause, wherein A. B. [and others, *or*, another], is [*or*, are] plaintiff [*or*, plaintiffs,] and C. D. [and others, *or*, another] is [*or*, are] defendant [*or*, defendants] should not be binding upon you. In default whereof such decree will stand and be absolute against you.

Witness, &c.

ROMILLY, M. R.

[Ord. of 21st Dec. 1833.]

N.B.—*This appears to have been inadvertently included in the abrogatory Order (Order I.) in the Orders of 8th May* 1845.

Schedule (F.)

[Referred to in the 6th Rule of Order XXIX.]

WRITS OF FIERI FACIAS.

1.—*Writ of Fieri Facias, on a Decree or Order of the Court of Chancery for Payment of Money.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of greeting.

We command you that of the goods and chattels of C. D. in your bailiwick you cause to be made the sum of £ which lately, before us in our High Court of Chancery, in a certain cause [*or*,

certain causes, *as the case may be*] wherein A. B. is plaintiff, and C. D. is defendant [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*], by a decree [*or*, order, *as the case may be*] of our said Court, bearing date the day of , was decreed [*or*, ordered, *as the case may be*] to be paid by the said C. D. to A. B. And that of the goods and chattels of the said C. D. in your bailiwick you further cause to be made interest upon the said sum of £ at the rate of £4 per centum per annum, from the day of *. And that you have that money and interest before us, in our said Court immediately after the execution hereof, to be paid to the said A. B. in pursuance of the said decree [*or*, order, *as the case may be*]. And that you do all such things as by the statute passed in the second year of our reign you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ, make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness ourself at Westminster, the day of in the year of our reign.

ROMILLY, M. R.

2.—*Writ of Fieri Facias, on a Decree or Order of the Court of Chancery for Payment of Money and Interest.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of greeting.

We command you that of the goods and chattels of C. D. in your bailiwick you cause to be made the sum of £ and also interest thereon, at the rate of £ per centum per annum, from the day of †, which said sum of money and interest were lately, before us in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] wherein

* The day on which the decree or order was made; or, if that were prior to the 1st October, 1838, say, "from the 1st day of October, 1838."

† The day mentioned in the order.

A. B. is plaintiff, and C. D. is defendant [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*] by a decree [*or*, order, *as the case may be*] of our said Court, bearing date the day of , decreed [*or*, ordered, *as the case may be*] to be paid by the said C. D. to A. B. And that you have that money and interest before us, in our said Court immediately after the execution hereof, to be paid to the said A. B. in pursuance of the said decree [*or*, order, *as the case may be*]. And that you do all such things as by the statute passed in the second year of our reign you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ, make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

3.—*Writ of Fieri Facias, on a Decree or Order of the Court of Chancery for Payment of Money and Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of greeting.

We command you that of the goods and chattels of C. D. in your bailiwick you cause to be made the sum of £ which said sum of money was lately, before us in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] wherein A. B. is plaintiff, and C. D. is defendant [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*] by a decree [*or*, order, *as the case may be*] of our said Court, bearing date the day of , decreed [*or*, ordered, *as the case may be*] to be paid by the said C. D. to A. B., together with certain costs in the said decree [*or*, order, *as the case may be*] mentioned, and which costs have been taxed and allowed by one of the Taxing Masters of our said Court, at the sum of £ as appears by the certificate of the said Taxing Master, dated the day of And that of the goods and chattels of the said C. D. in your bailiwick

you further cause to be made the said sum of £ *, together with interest at the rate of £4 per centum per annum on the said sum of £ †, from the day of ‡, and on the said sum of £ *, from the day of §. And that you have that money and interest before us in our said Court immediately after the execution hereof, to be paid to the said A. B. in pursuance of the said decree [*or*, order, *as the case may be*]. And that you do all such things as by the statute passed in the second year of our reign you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ, make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

4.—*Writ of Fieri Facias, on a Decree or Order of the Court of Chancery for Payment of Money, Interest, and Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of , greeting.

We command you that of the goods and chattels of C. D., in your bailiwick, you cause to be made the sum of £ , and also interest thereon at the rate of £ per centum per annum, from the day of ‖, which said sum of money and interest were lately, before us in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] wherein A. B. is plaintiff, and C. D. is defendant, [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*,] by a decree [*or*, order, *as the case may be*] of our said Court, bearing date the day of , decreed [*or*, ordered, *as the case may be*] to be paid by the said C. D. to A. B., together with certain costs in the said decree [*or*, order, *as the case may be*] mentioned, and which costs have been taxed and

* The Costs. † The Money.

‡ The date of the order; or, if that were prior to the 1st October, 1838, say, "from the 1st day of October, 1838."

§ The date of the certificate; or, if that were prior to the 1st of October, 1838, say "from the 1st day of October, 1838."

‖ The day mentioned in the order.

allowed by , one of the Taxing Masters of our said Court, at the sum of £ , as appears by the certificate of the said Taxing Master, dated the day of . And that of the goods and chattels of the said C. D., in your bailiwick, you further cause to be made the said sum of £ , together with interest thereon at the rate aforesaid, from the day of *. And that you have that money and interest before us, in our said Court immediately after the execution hereof, to be paid to the said A. B. in pursuance of the said decree [*or*, order, *as the case may be*]. And that you do all such things as by the statute passed in the second year of our reign you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ, make appear to us, in our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

5.—*Writ of Fieri Facias, on a Decree or Order of the Court of Chancery for Payment of Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of , greeting.

We command you that of the goods and chattels of C. D., in your bailiwick, you cause to be made the sum of £ , for certain costs which were lately, before us in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] wherein A. B. is plaintiff, and C. D. is defendant, [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*,] by a decree [*or*, order, *as the case may be*] of our said Court, bearing date the day of , decreed [*or*, ordered, *as the case may be*] to be paid by the said C. D. to A. B., and which costs have been taxed and allowed by , one of the Taxing Masters of our said Court, at the said sum of £ , as appears by the certificate of the said Taxing Master, dated the day of . And that of the goods and chattels of the

* The date of the certificate of taxation; or, if that were prior to the 1st of October, 1838, say, "from the 1st day of October, 1838."

said C. D., in your bailiwick, you further cause to be made interest on the said sum of £ , at the rate of £4 per centum per annum from the day of *. And that you have that money and interest before us, in our said Court, immediately after the execution hereof, to be paid to the said A. B., in pursuance of the said decree [*or*, order, *as the case may be*]. And that you do all such things as by the statute passed in the second year of our reign you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ, make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

[Ord. of 10th May 1839.]

Schedule (G.)

[Referred to in the 6th Rule of Order XXIX.]

WRITS OF ELEGIT.

1.—*Writ of Elegit, on a Decree or Order of the Court of Chancery for Payment of Money, or Money and Interest.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of , greeting.

Whereas, lately in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] there depending, wherein A. B. and others are plaintiffs, and C. D. and others are defendants, [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*,] by a decree [*or*, order,

* The date of the certificate; or, if that were prior to the 1st October, 1838, say, "from the 1st day of October, 1838."

as the case may be] of our said Court, made in the said cause [*or*, matter, *as the case may be*] and bearing date the day of , it was decreed and ordered [*or*, ordered, *as the case may be*] that the said C. D. should pay unto A. B. the sum of £ [*if interest be given by the order, say* "together with interest thereon after the rate of £ per centum per annum, from the day of ."] And afterwards, the said A. B. came into our said Court of Chancery, and, according to the form of the statute in such case made and provided, chose to be delivered to him [her, *or*, them, *as the case may be*] all the goods and chattels of the said C. D., in your bailiwick, except his oxen and beasts of the plough; and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of on the day of , in the year of our Lord *, or at any time afterwards, or over which the said C. D. on the said day of *, or at any time afterwards had any disposing power, which he might, without the assent of any other person, exercise for his own benefit; to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments, respectively, according to the nature and tenure thereof, to him and to his assigns until the said sum of £ , together with interest thereon, at the rate of £ per centum per annum, from the said day of †, shall have been levied. THEREFORE WE COMMAND YOU that, without delay you cause to be delivered to the said A. B. by a reasonable price and extent, all the goods and chattels of the said C. D., in your bailiwick, except his oxen and beasts of the plough; and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said day of *, or at any time afterwards, or over which the said C. D. on the said day of

* The day on which the decree or order was made.

† If the order be for money and interest, the day mentioned in the order. If for money only, the day on which the decree or order was made; or, in case it was made prior to the 1st day of October, 1838, say, "from the 1st day of October, 1838."

*, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit; to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments, respectively, according to the nature and tenure thereof, to him and to his assigns, until the said sum of £ , together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ, make appear to us in our Court of Chancery aforesaid immediately after the execution thereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement. And have there then this writ.

Witness ourself at Westminster, &c.

ROMILLY, M. R.

2.—*Writ of Elegit, on a Decree or Order of the Court of Chancery for Payment of Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of , greeting.

Whereas, lately in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*,] there depending, wherein A. B. and others are plaintiffs, and C. D. and others are defendants [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*], by a decree [*or*, order, *as the case may be*,] of our said Court, made in the said cause [*or*, matter, *as the case may be*,] and bearing date the day of , it was decreed and ordered [*or*, ordered, *as the case may be*,] that C. D. should pay unto A. B. certain costs as in the said decree [*or*, order, *as the case may be*,] mentioned, and which costs have been taxed and allowed by , one of the Taxing Masters of our said Court, at the sum of £ , as appears by the certificate of the said Taxing Master, dated the day of . And afterwards the said A. B. came

* The day on which the decree or order was made.

into our said Court of Chancery, and, according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of, on the day of , in the year of our Lord *, or at any time afterwards, or over which the said C. D. on the said day of *, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit; to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said sum of £ , together with interest thereon at the rate of £4 per centum per annum, from the said day of † shall have been levied. THEREFORE WE COMMAND YOU, that, without delay, you cause to be delivered to the said A. B. by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands and tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D. or any person or persons in trust for him, was or were seised or possessed of, on the said day of ‡, or at any time afterwards, or over which the said C. D. on the said day of ‡, or at any time afterwards, had any disposing power, which he might, without the assent of any other person or persons, exercise for his own benefit; to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said sum of £ , together with interest as aforesaid, shall have

* The date of the certificate of taxation.

† The date of the certificate of taxation; or, if that were prior to the 1st day of October, 1838, say, "from the 1st day of October, 1838."

‡ The date of the certificate of taxation.

been levied. And in what manner you shall have executed this our writ, make appear to us in our Court of Chancery aforesaid, immediately after the execution thereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement. And have there then this writ.

Witness ourself at Westminster, &c.

ROMILLY, M. R.

3.—*Writ of Elegit, on a Decree or Order of the Court of Chancery for Payment of Money and Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of , greeting.

Whereas, lately in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*,] there depending, wherein A. B. and others are plaintiffs, and C. D. and others are defendants [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*,] by a decree [*or*, order, *as the case may be*,] of our said Court, made in the said cause [*or*, matter, *as the case may be*,] and bearing date the day of , it was decreed and ordered [*or*, ordered, *as the case may be*,] that C. D. should pay unto A. B. the sum of £ , together with certain costs as in the said decree [*or*, order, *as the case may be*,] mentioned, and which costs have been taxed and allowed by , one of the Taxing Masters of our said Court, at the sum of £ , as appears by the certificate of the said Taxing Master, dated the day of . And afterwards the said A. B. came into our said Court of Chancery, and according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of, on the day of

, in the year of our Lord *, or at any time afterwards, or over which the said C. D., on the said day of *, or at any time afterwards, had any disposing power which he might, without the assent of any other person, exercise for his own benefit; to hold to him the said goods and chattels, as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £ and £ , together with interest upon the said sum of £ at the rate of £4 per centum per annum, from the day of †, and on the said sum of £ at the rate of aforesaid, from the day of ‡, shall have been levied. THEREFORE WE COMMAND YOU that, without delay, you cause to be delivered to the said A. B. by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands and tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person or persons in trust for him, was or were seised or possessed of, on the said day of §, or at any time afterwards, or over which the said C. D. on the said day of §, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit; to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £ and £ , together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ, make appear to us in our Court of Chancery aforesaid, immediately after the execution thereof, under your seal

* The day on which the decree or order was made.

† The day on which the decree or order was made; or, in case it was made prior to the 1st day of October, 1838, say, "from the 1st day of October, 1838."

‡ The date of the certificate of taxation; or, if that were prior to the 1st day of October, 1838, say, "from the 1st day of October, 1838."

§ The day on which the decree or order was made.

and the seals of those by whose oath you shall make the said extent and appraisement. And have there then this writ.

ROMILLY, M. R.

Witness ourself at Westminster, &c.

4.—*Writ of Elegit, on a Decree or Order of the Court of Chancery for Payment of Money, Interest, and Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of greeting.

Whereas, lately in our High Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*] there depending, wherein A. B. and others are plaintiffs, and C. D. and others are defendants, [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*] by a decree [*or*, order, *as the case may be*] of our said Court, made in the said cause [*or*, matter, *as the case may be*] and bearing date the day of it was ordered and decreed [*or*, ordered, *as the case may be*] that C. D. should pay unto A. B. the sum of £ together with interest thereon, after the rate of £ per centum per annum, from the day of together also with certain costs, as in the said decree [*or*, order, *as the case may be*] mentioned, and which costs have been taxed and allowed by one of the Taxing Masters of our said Court, at the sum of £ as appears by the certificate of the said Taxing Master, dated the day of . And afterwards the said A. B. came into our said Court of Chancery, and according to the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D. or any one in trust for him was seised or possessed of on the day of in the year of our Lord *, or at any time afterwards, or over which the said C. D. on the said day of *, or at any time afterwards, had any disposing power, which he might,

* The day on which the decree or order was made.

without the assent of any other person, exercise for his own benefit; to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £ and £ together with interest upon the said sum of £ at the rate of £ per centum per annum, from the said day of *, and on the said sum of £ at the rate of £4 per centum per annum, from the day of † shall have been levied. THEREFORE WE COMMAND YOU, that without delay you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands and tenements, rectories, tithes, rents and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D. or any person or persons in trust for him, was or were seised or possessed of on the said day of ‡, or at any time afterwards, or over which the said C. D. on the said day of ‡, or at any time afterwards had any disposing power which he might, without the assent of any other person, exercise for his own benefit; to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £ and £ together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ, make appear to us in our Court of Chancery aforesaid, immediately after the execution thereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement. And have there then this writ.

Witness ourself at Westminster, &c.

ROMILLY, M. R.

[Ord. of 10th of May 1839.]

* The day mentioned in the decree or order.

† The date of the certificate of taxation; or, if that were prior to the 1st of October, 1838, say, "from the 1st day of October, 1838."

‡ The day on which the decree or order was made.

Schedule (H.)

[Referred to in the 9th Rule of Order XXIX.]

WRIT OF VENDITIONI EXPONAS.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of greeting.

Whereas by our writ we lately commanded you that of the goods and chattels of C. D. [*here recite the Fieri Facias to the end*]. And on the day of you returned to us in our Court of Chancery aforesaid that by virtue of the said writ to you directed, you had taken goods and chattels of the said C. D. to the value of the money and interest aforesaid, which said goods and chattels remained in your hands unsold for want of buyers. THEREFORE we being desirous that the said A. B. should be satisfied his money and interest aforesaid, command you, that you expose to sale and sell or cause to be sold the goods and chattels of the said C. D. by you in form aforesaid taken and every part thereof, for the best price that can be gotten for the same, and have the money arising from such sale before us in our said Court of Chancery aforesaid, immediately after the execution hereof, to be paid to the said A. B. And have there then this writ.

Witness ourself at Westminster, the day of in the year of our reign.

ROMILLY, M. R.

[Ord. of 10th of May 1839.]

Schedule (J.)

[Referred to in the 11th Rule of Order XXIX.]

No. I.

WRIT OF FIERI FACIAS DE BONIS ECCLESIASTICIS.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To the Right Reverend Father in God, (JOHN,) by Divine Permission Lord Bishop of greeting. We command you that of the ecclesiastical goods of C. D., Clerk in your diocese, you cause to be made £ , which lately before us in our Court of Chancery, in a certain cause [*or*, certain causes, *as the case may be*,] wherein A. B. is plaintiff and C. D. is defendant [*or*, in a certain matter there depending, intituled, "In the matter of E. F.," *as the case may be*,] by a decree [*or*, order, *as the case may be*,] of our said Court, bearing date the day of was decreed [*or*, ordered, *as the case may be*,] to be paid by the said C. D. to the said A. B., together with interest on the said sum of £ , at the rate of £ per centum per annum from the day of , and have that money, together with such interest as aforesaid, before us in our said Court, immediately after the execution hereof, to be rendered to the said A. B., for that our Sheriff of returned to us in our said Court on [*or*, "at a day now past,"] that the said C. D. had not any goods or chattels, or any lay fee, in his bailiwick, whereof he could cause to be made the said £ and interest aforesaid or any part thereof, and that the said C. D. was a beneficed Clerk, (to wit) Rector of the Rectory [*or*, Vicar of the Vicarage] and Parish Church of in the said Sheriff's county and within your diocese [*as in the return;*] and in what manner you shall have executed this our writ make appear to us in our said Court, immediately after the execution hereof, and have you there then this Writ. Witness ourself at Westminster, the day of , in the year of our Lord

ROMILLY, M. R.

[Ord. of 18th July 1857.]

No. II.

WRIT OF FIERI FACIAS TO THE ARCHBISHOP, DE BONIS ECCLESIASTICIS, DURING THE VACANCY OF A BISHOP'S SEE.

VICTORIA, [&c., *as in the preceding form,*] To the Right Reverend Father in God [JOHN,] by Divine Providence Lord Archbishop of Canterbury, Primate of All England and Metropolitan, greeting. We command you, that of the ecclesiastical goods of C. D., Clerk, in the diocese of , which is within the province of Canterbury, as Ordinary of that Church, the Episcopal See of now being vacant, you cause to be made [&c. *Conclude as in the preceding form.*]

[18th July 1857.]

No. III.

WRIT OF SEQUESTRARI FACIAS DE BONIS ECCLESIASTICIS.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To the Right Reverend Father in God, (JOHN,) by Divine permission Lord Bishop of , greeting. Whereas we lately commanded our Sheriff of , that he should omit not by reason of any liberty of his county, but that he should enter the same, and cause [to be made, *if after the return to a Fieri Facias, or,* delivered, *if after the return to an Elegit, &c. and in either case recite the former Writ*]. And whereupon our said Sheriff of , on [*or,* "at a day past,"] returned to us in our said Court of Chancery that the said C. D. was a beneficed Clerk, that is to say, Rector of the Rectory [*or,* Vicar of the Vicarage] and Parish Church of in the county of , and within your diocese, and that he had not any goods or chattels, or any lay fee, in his bailiwick [*here follow the words of the Sheriff's return*]. Therefore we command you that you enter into the said Rectory [*or,* Vicarage] and Parish Church of and take and sequester the same into your possession, and that you hold the same in your possession until you

shall have levied the said £ and interest aforesaid of the rents, tithes, rent charges in lieu of tithes, oblations, obventions, fruits, issues, and profits thereof, and other ecclesiastical goods in your diocese, of and belonging to the said Rectory [*or*, Vicarage] and Parish Church of , and to the said C. D. as Rector [*or*, Vicar] thereof, to be rendered to the said A. B.; and what you shall do therein make appear to us in our said Court immediately after the execution hereof; and have you there then this writ. Witness ourself at Westminster, the day of , in the year of our Lord

ROMILLY, M. R.

Indorse it as a Fi. Fa.: After the words "expenses of the execution," *add,* "and sequestration."

[Ord. of 18th July 1857.]

Schedule (K.)

SUMMONSES.

No. I.

Form of General Summons.

[Referred to in the 2nd Rule of Order XXXV. and in the 10th Rule of Order XLI.]

In Chancery.

In the Matter of John Thomas, an Infant,

or,

Between Joseph Wilson . . . Plaintiff,

and

William Jackson . . Defendant.

Let all parties concerned attend at my Chambers [in the Rolls Yard, Chancery Lane, Middlesex], [*or*, at No. —, —— Square, Lincoln's Inn, Middlesex], on , the day of , at of the clock in the noon, on the hearing of an application on the part of [*here state on whose*

behalf the application is made, and the precise object of the application.]

Dated this day of 1860.

JOHN ROMILLY, Master of the Rolls,

or,

X. Y., Vice-Chancellor.

This summons was taken out by A. and B., of Lincoln's Inn, in the county of Middlesex, solicitors for

To

The following Note to be added to the original summons where proceedings originate in Chambers; and when the time is altered by indorsement, the indorsement to be referred to as below.

NOTE.—If you do not attend, either in person or by your solicitor, at the time and place above mentioned, [*or,* at the place above mentioned, at the time mentioned in the indorsement hereon,] such order will be made, and proceedings taken, as the Judge may think just and expedient.

[Ord. of 16th October 1852.]

N.B.—The next is the Form of Summons to be obtained under Sections 45 *and* 47 *of the Stat.* 15 & 16 *Vict. c.* 86.

No. II.

Form of Administration Summons.

[Referred to in the 3rd Rule of Order XXXV.]

In Chancery.

In the Matter of the Estate of John Thomas, late of the Parish of A., in the County of B., deceased.

Between Joseph Wilson . . . Plaintiff,

and

William Jackson Defendant.

Upon the application of Joseph Wilson, of Russell Square, in the county of Middlesex, Esq., who claims to be a creditor upon

the estate of the above-named John Thomas, let William Jackson, the executor of the said John Thomas, attend at my Chambers [in the Rolls Yard, Chancery Lane, Middlesex], [*or*, at No. —, —— Square, Lincoln's Inn, Middlesex], on the day of , at of the clock in the noon, and show cause, if he can, why an order for the administration of the personal [*or*, real and personal] estate of the said John Thomas, by the High Court of Chancery, should not be granted.

Dated the day of 1860.

JOHN ROMILLY, Master of the Rolls,

or,

X. Y., Vice-Chancellor.

This summons was taken out by A. and B., of Lincoln's Inn, in the County of Middlesex, solicitors for the above-named Joseph Wilson.

The following Note to be added to the original summons; and when the time is altered by indorsement, the indorsement to be referred to as below.

NOTE.—If you do not attend, either in person or by your solicitor, at the time and place above mentioned, [*or*, at the place above mentioned, at the time mentioned in the indorsement hereon,] such order will be made, and proceedings taken, as the Judge may think just and expedient.

[Ord. of 7th Aug. 1852, 1st Set.]

No. III.

Form of Summons by Chief Clerk.

[Referred to in the 4th Rule of Order XXXV.]

In Chancery.

In the Matter of the Estate of John Thomas, late of , in the county of , deceased,

or,

Between Joseph Wilson . . . Plaintiff,

and

William Jackson . . . Defendant.

The defendant, William Jackson [*or*, A. B., of, &c.] is hereby

summoned to attend at the Chambers of the Master of the Rolls [*or*, Vice-Chancellor], in the Rolls Yard, Chancery Lane [*or*, No. —, —— Square, Lincoln's Inn, Middlesex], on the day of , at of the clock in the noon, to be examined [*or*, to be examined as a witness] on the part of the for the purpose of the proceedings directed by the Master of the Rolls [*or*, the said Vice-Chancellor] to be taken before me.

Dated this day of 1860.

A. B.
Chief Clerk.

This summons was taken out by A. and B., of Lincoln's Inn, in the county of Middlesex, solicitors for

[Ord. of 16th October 1852.]

Schedule (L.)

[Referred to in the 37th Rule of Ord. XXXV.]

FORM OF ADVERTISEMENT.

Pursuant to a decree [*or*, order] of the High Court of Chancery, made in [the matter of the estate of , and in] a cause

against

the creditors of [*or*, the persons claiming debts or liabilities affecting the estate of, *or* the persons claiming to be next of kin to, *or* the heir of, *as the case may be*], late of in the county of who died in or about the month of are by their solicitors, on or before the day of to come in and prove their debts [*or*, claims] at the Chambers of the Master of the Rolls, in the Rolls Yard, Chancery Lane [*or*, of the Vice-Chancellor No. —, —— Square, Lincoln's Inn], Middlesex, or in default thereof they will be peremptorily excluded from the benefit of the said decree [*or*, order].

[Monday] the day of at o'clock in the noon, at the said Chambers, is appointed for hearing and adjudicating upon the claims.

Dated this day of 1860.

A. B.
Chief Clerk.

[Ord. of 16th October 1852.]

Schedule (M.)

[Referred to in the 48th Rule of Ord. XXXV.]

FORM OF CERTIFICATE OF CHIEF CLERK.

In the Matter of , [*or*, Between .] [*State title.*] In pursuance of the directions given to me by the Master of the Rolls [*or*, the Vice-Chancellor], I hereby certify, that the result of the accounts and inquiries which have been taken and made, in pursuance of the decree [*or*, order] in this cause, dated the day of , is as follows:—

1. The defendants, the executors of , the testator, have received personal estate to the amount of £ , and they have paid, or are entitled to be allowed on account thereof, sums to the amount of £ , leaving a balance due from [*or*, to] them of £ , on that account.

The particulars of the above receipts and payments appear in the account marked verified by the affidavit of , filed on the day of , and which account is to be filed with this certificate: except that in addition to the sums appearing on such account to have been received, the said defendants are charged with the following sums [*state the same here, or in a schedule*], and except that I have disallowed the items of disbursement in the said account numbered and

[*Or, in cases where a transcript has been made,*]

The defendants, have brought in an account verified by the affidavit of

, filed on the day of , and which account is marked , and is to be filed with this certificate. The account has been altered, and the account marked , and which is also to be filed with this certificate, is a transcript of the account as altered and passed.

2. The debts of the testator which have been allowed are set forth in the Schedule hereto, and with the interest thereon and costs mentioned in the Schedule, are due to the persons therein named, and amount altogether to £ .

3. The funeral expenses of the testator amount to the sum of £ , which I have allowed the said executors in the said account of personal estate.

4. The legacies given by the testator are set forth in the Schedule hereto, and with the interest therein mentioned remain due to the persons therein named, and amount altogether to £ .

5. The outstanding personal estate of the testator consists of the particulars set forth in the Schedule hereto.

6. The real estate to which the testator was entitled consists of the particulars set forth in the Schedule hereto.

7. The defendants have received rents and profits of the testator's real estate, &c. [*in a form similar to that provided with respect to the personal estate*].

8. The incumbrances affecting the said testator's real estate are specified in the Schedule hereto.

9. The real estates of the testator directed to be sold have been sold, and the purchase monies, amounting altogether to £ , have been paid into court.

N.B.—The above numbers are to correspond with the numbers in the decree.

After each statement the evidence produced is to be stated as follows:—

The evidence produced on this account [*or,* inquiry] consists of the probate of the testator's will, the affidavit of A. B. filed , and paragraph No. of the affidavit of C. D. filed .

[Ord. of 16th October 1852.]

Schedule (N.)

[Referred to in Ord. XLI., § IV.]

FORMS CONNECTED WITH JURIES.

1. *Form of Record for Trial of a Question or Questions of Fact.*

In Chancery.

Title of Cause or Matter.

By an Order made in this cause [*or*, matter], dated, &c., the Court hath directed that the following question [*or*, questions] of fact be tried by a jury before the Court itself [*or*, before the Court itself without a jury] (that is to say):

Whether, &c.

N.B.—If more questions than one, number them consecutively 1, 2, 3, &c.

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2. *Form of Record for Trial as to Amount of Damages.*

In Chancery.

Title of Cause or Matter.

Whereas, by an Order made in this cause [*or*, matter], dated, &c., the Court hath awarded damages to
in respect of the matters in the said Order mentioned, and hath directed that the amount of such damages shall be assessed by a jury before the Court itself [*or*, before the Court itself without a jury].

The question is, what amount of damages the plaintiff hath sustained by reason of the matters in the said Order mentioned.

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3. *Form of Order to summon a Common Jury.*

In Chancery.

Title of Cause or Matter.

Upon the humble petition of [*or*, upon motion this day made, &c.] It is ordered that the Sheriff of Middlesex do summon a sufficient number of common jurors for the

trial of a certain question [*or*, certain questions] of fact [*or*, as to the amount of damages sustained by
] to be tried before the Right Honorable the Lord High Chancellor in his Court at Lincoln's Inn Hall, in the county of Middlesex [*or other the Judge before whom and the Court in which the trial is to take place*], on the
day of 186 , at Ten of the clock in the forenoon precisely. And it is ordered that the said sheriff do attend with the said jurors accordingly.

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4. *Form of Order for a Special Jury.*

Title of Cause or Matter.

Upon the humble petition, &c. It is ordered that at the expense of the plaintiff [*or*, defendant, *or*, petitioner, *or*, respondent] in the first instance, forty-eight special jurors be nominated by ballot out of the special jurors' list for the county of , of persons qualified to serve on special juries for the said county, and be reduced before the Under Sheriff of the said county; and that twelve of them be struck out by each party, and that the names of the remaining twenty-four be placed on a panel for the trial of a certain question [*or*, certain questions] of fact [*or*, as to the amount of damages sustained by
] in this cause [*or*, matter], and that the said sheriff of the said county do cause the said twenty-four jurors to be summoned to attend at the said trial, on, &c., [*as in preceding form*], and that the said sheriff do also summon twelve common jurors to attend at the said trial on the day and at the time and place aforesaid. And it is ordered that the said sheriff and the said jurors do attend accordingly.

N.B.—If special jury, obtained on the application of either party without the special direction of the Court, leave out the words "in the first instance."

5. *Form of Order for a View.*

In Chancery.

Title of Cause or Matter.

Upon application, &c. It is ordered that the Sheriff of do cause the place in question to be shown to six or more of the jury [*or, if a special jury, say,* six or more of the first twelve jurors], summoned and impanelled to try the question [*or,* questions] between the said parties, or as many more of such jurors as he shall think fit, in order that they may take a view of the place in question, on the day of next, at of the clock in the forenoon of the same day; and that the said jurors do meet at the house of I. P., known by the name or sign of at in the county [*or,* city] of and then and there be refreshed at the equal charge of the said parties; and that S. P. on the part of the plaintiff [*or,* petitioner], and S. D. on the part of the defendant [*or,* respondent] do show the place in question to those jurors; but that no evidence be then and there given to the said jurors. And it is ordered that the Sheriff of do return the names of such of the said jurors as shall view the said place to the Registrar in the Court of Chancery, for the purpose of their being called as jurymen upon the trial of the said question [*or,* questions]. And it is further ordered that the plaintiff [*or,* defendant, *or,* petitioner, *or,* respondent], his solicitor or agent, do deposit in the hands of the Under Sheriff of the said county, the sum of £ for payment of the expenses of the same view, pursuant to the General Order of Court in that behalf made; and that if such sum shall be more than sufficient to pay the expenses of the said view, the surplus be forthwith returned to the plaintiff's [*or,* defendant's, *or,* petitioner's, *or,* respondent's] solicitor; and if such sum shall not be sufficient to pay such expenses, the deficiency be paid forthwith by such solicitor to the said Under Sheriff; the plaintiff [*or,* defendant, *or,* petitioner, *or,* respondent] by his solicitor consenting that in case no view shall be had, or if a view shall be had by any of the said jurors, whether they shall happen to be

six or any particular number of the jurors who shall be mutually consented to, yet the said trial shall proceed, and no objection shall be made on account thereof.

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6. *Form of Notice to Admit and Inspect.*

In Chancery.

Title of Cause or Matter.

Take notice that the plaintiff [*or*, defendant, *or*, petitioner, *or*, respondent] proposes to adduce in evidence on the trial in this cause [*or*, matter] the several documents hereunder specified, and that the same may be inspected by the defendant [*or*, plaintiff, *or*, respondent, *or*, petitioner], his solicitor or agent, at
on , between the hours of , and the defendant [*or*, plaintiff, *or*, respondent, *or*, petitioner] is hereby required within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals, were respectively written, signed, or executed as they purport respectively to have been; that such as are specified as copies are true copies; and that such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively, saving all just exceptions to the admissibility of all such documents as evidence on such trial. Dated, &c.

To E. F., solicitor [*or*, agent] for { defendant, plaintiff, respondent, *or* petitioner. }

G. H., solicitor [*or*, agent] for { plaintiff, defendant, petitioner, *or*, respondent. }

Here describe the documents: the description may be as follows:—

ORIGINALS.

Description of the Documents.	Date.
Deed of Covenant between A. B. & C. D., 1st part, and E. F., of the 2nd part .	1st January, 1848.
Indenture of Lease from A. B. to C. D. .	1st February, 1848.
Indenture of Release between A. B. C. D. 1st part, &c.	2nd February, 1848.
Letter from Defendant to Plaintiff .	1st March, 1848.
Policy of Insurance on Goods . .	3rd December, 1848.
Bill of Exchange for £100 at 3 months, drawn by A. B. on and accepted by C. D., indorsed by E. F. and G. H. .	1st May, 1840.

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
Register of baptism of A. B. in the parish of X. . .	1st Jan., 1808	
Letter from Plaintiff to Defendant	1st Feb., 1848 .	Sent by General Post, 2nd Feb., 1848.
Notice to produce Papers .	1st Mar., 1848 .	Served 2nd Mar., 1848, on Defendant's Attorney by E. F. of
Letters Patent of King Chas. Second in the Rolls Chapel	1st Jan., 1680	

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7. *Form of Oath to be administered to the Jurors.*

You shall well and truly try the question [*or*, questions] between the parties, and a true verdict give according to the evidence. So help you God.

8. *Form of Oath to be administered to a Witness.*

The evidence you shall give to the Court and Jury [*or*, the Court, *as the case may be*] touching the matters in question, shall be the truth, the whole truth, and nothing but the truth. So help you God.

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9. *Form in case the Witness has a conscientious Objection to take an Oath.*

The Witness is to repeat, after the Registrar, as follows, verbatim: I, (*A. B.*) do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful. And I do also solemnly and truly affirm and declare that the evidence I shall give to the Court and Jury [*or*, the Court, *as the case may be*], shall be the truth, the whole truth, and nothing but the truth.

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10. *Form of Oath to be taken by the Usher of the Court, on Jury retiring to consider their Verdict.*

You shall well and truly keep this jury in some private and convenient place, without meat, drink, or fire (candle light excepted). You shall not suffer any person to speak to them, neither shall you speak to them yourself, without leave of the Court, except to ask them if they are agreed on their verdict.

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11. *Form of Writ of Inquiry before the Sheriff.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Sheriff of Greeting. Whereas, by an Order of His Honor the Master of the Rolls, made in this cause [*or*, matter], dated &c., His Honor awarded damages to be recovered by A.B. against the said C.D., in respect of &c., (*take*

words from the Order.) But because it is unknown to Our said Court what damages the said A.B. hath sustained by means of the premises aforesaid, therefore we command you, that by the oath of twelve good and lawful men of your bailiwick [*if by a special jury, add here the words* "qualified to serve as special jurors, such jury to be struck and reduced according to law"], you diligently inquire what damages the said A.B. hath sustained by reason of the premises aforesaid; and that you send to Us, in Our Court of Chancery aforesaid, on the day of , the inquisition which you shall thereupon take under your seal, and the seals of those by whose oath you shall take that inquisition, together with this Writ. Witness Ourself, at Westminster, the day of in the year of Our reign.

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12. *Form of Writ of Inquiry to a County Palatine.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To Our Chancellor of Our county palatine of Lancaster, or to his deputy there, greeting. Whereas [*as in preceding form*]. But because it is unknown to Our said Court what damages the said A. B. hath sustained by means of the premises aforesaid, therefore, we command you, that by Our writ, under the seal of Our said county palatine, to be duly made and directed to the Sheriff of the same county, you command the said sheriff, that by the oath of twelve good and lawful men of his bailiwick [*if by a special jury, add the words as in preceding form*], he diligently inquire what damages the said A. B. hath sustained by means of the premises aforesaid; and that you send to Us in Our said Court of Chancery, on the day of , the inquisition which the said sheriff shall thereupon take under his seal, and the seals of those by whose oath he shall take that inquisition, together with this Writ.

Witness Ourself at Westminster, the day of , in the year of Our reign.

13. *Form of Inquisition on Writ of Inquiry.*

To wit.

An inquisition taken at the House of , called or known by the name or sign of the , in the in the said county of , on the day of , in the year of the reign of our Sovereign Lady, Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and in the year of our Lord 18 , before Esquire, Sheriff of the county aforesaid, by virtue of a writ of Our Sovereign Lady the Queen, to the said sheriff directed, and to this inquisition annexed, to inquire of certain matters in the said writ specified by the oaths of

twelve honest and lawful men of the said county, who upon their oaths say that
in the said writ named hath sustained damages to the sum of £ , by the means in the said writ mentioned.

In witness whereof, as well I the said sheriff, as the jurors aforesaid, have hereunto set our hands and seals the day and year and place above mentioned.

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14. *Form of Writ of Inquiry of Damages to be executed before the Justices of Assize.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To the Sheriff and to Our Justices assigned to take the Assizes in and for the county of , greeting. Whereas [*as in the foregoing forms*]. But because it is unknown to Our said Court what damages the said A. B. hath sustained by means of the premises aforesaid, therefore, according to the statute in such case made and provided, We command you, the said sheriff, that you summon

twelve good and lawful men of your bailiwick [*if by a special jury, add here the words* "qualified to serve on special juries, such jury to be struck and reduced according to law"], to appear before Our said Justices of Assize, on the day of , at , in the said county by Ten of the clock in the forenoon of that day, to diligently inquire, and on their oath to assess the damages which the said A. B. hath sustained by means of the premises aforesaid; and that you, the said sheriff, have on that day before the said Justices of Assize, this writ. We likewise command Our said Justices that they certify the inquisition before them taken, to Us in our Court of Chancery at Westminster, on the day of next, together with the names of those by whose oath such inquisition shall be taken, and that they also have then there this Writ. Witness Ourself at Westminster, the day of in the year of Our reign.

CAMPBELL, C.
JOHN ROMILLY, M. R.
J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

Hilary Term, 1860.

REGULATIONS

AS TO

Special Examiners' Fees and Charges,

SOLICITORS' FEES & CHARGES,

COURT FEES,

AND

CHARGES FOR COPIES.

N

REGULATIONS

AS TO

SPECIAL EXAMINERS' FEES AND CHARGES, SOLICITORS' FEES AND CHARGES, COURT FEES, AND CHARGES FOR COPIES (a.)

I. Regulation as to Special Examiners' Fees and Charges.

Regulation as to Special Examiners' Fees and Charges.

An Examiner specially appointed by the Court shall, for the performance of his duty, be entitled to receive the sums of money set forth in the First Schedule hereto. (8th May 1845; Ord. 110, and see Stat. 15 & 16 Vict. c. 86, s. 31.)

II. Regulations as to Solicitors' Fees and Charges.

(See 2nd Rule of Order XXXVIII.)

Regulations as to Solicitors' Fees and Charges.

1. Solicitors shall be entitled to charge and be allowed the fees set forth in the column headed "Lower Scale" in the Second Schedule hereto, in the several cases following, unless the Court shall make order to the contrary; that is to say,

Lower Scale of Solicitors' fees.

1st. In all suits by creditors, legatees, (whether specific, pecuniary, or residuary,) devisees (whether in trust or otherwise), heirs at law or next of kin, in which the personal or real, or personal and real estate, for or against or in respect of which, or for an account or administration of which, the demand may be made, shall be under the amount or value of 1000*l.*

(a) See the Consolidated Orders XXXVI., XXXVIII., XXXIX., and XL., on Copies, Fees, Costs, Charges, and Expenses; and see also the First Report of the Consolidators, p. viii.

Regulations as to Solicitors' Fees and Charges.

2ndly. In all suits for the execution of trusts in which the trust estate or fund shall be under the amount or value of 1000*l.*

3rdly. In all suits for foreclosure or redemption, or for enforcing any charge or lien, in which the mortgage whereon the suit is founded, or the charge or lien sought to be enforced, shall be under the amount or value of 1000*l.*

4thly. In all suits for specific performance, in which the purchase money or consideration shall be under the amount or value of 1000*l.*

5thly. In all proceedings under the Trustees Relief Acts, or under the Trustee Acts, or under any of such Acts, in which the trust estate or fund to which the proceeding relates shall be under the amount or value of 1000*l.*

6thly. In all proceedings relating to the guardianship or maintenance of infants, in which the property of the infant shall be under the amount or value of 1000*l.*

7thly. In all proceedings by special case, and in all proceedings relating to funds carried to separate accounts, and in all proceedings under any railway or private Act of Parliament, or under any other statutory or summary jurisdiction, and generally in all other cases where the estate or fund to be dealt with, shall be under the amount or value of 1000*l.* (30th Jan. 1857; Ord. 2.)

Higher Scale of Solicitors' fees.

2. In all other cases solicitors shall be entitled to charge and be allowed the fees set forth in the column headed "Higher Scale" in the Second Schedule hereto, unless the Court shall make order to the contrary as to all or any of the parties. (30th Jan. 1857; Ord. 3.)

Other fees.

3. Solicitors shall also be entitled to charge and be allowed the fees set forth in the Third Schedule hereto. (30th Jan. 1857; Ord. 1.)

III.—Regulations as to Court Fees.

(See 2nd and 3rd Rules of Order XXXIX.)

Regulations as to Court Fees.

1. The fees of Court shall be those set forth in the Fourth Schedule hereto. (30th Jan. 1857; Ord. 4.)

Rule for determining whether Court fees are to be paid according to the Lower or the Higher Scale.

2. The fees set forth in the column headed "Lower Scale" in the Fourth Schedule hereto shall be paid in all cases in which the Lower Scale of fees is to be charged by and allowed to solicitors, under the provisions of these regulations; and the fees of Court set forth in the column headed "Higher Scale" in the Fourth Schedule hereto shall be paid in all other cases. (30th Jan. 1857; Ord. 4.)

Certificate for Lower Scale.

3. The solicitor or party instituting any proceeding in respect of which he claims to pay the fees of Court according to the Lower Scale, shall file with the Clerk of Records and Writs a certificate in the form hereunder set forth, of which certificate the Clerk of Records and Writs shall, at the request of any solicitor or any party acting in person in the suit or matter, mark a copy. (30th Jan. 1857; Ord. 4.)

Effect thereof.

4. On production of such copy of the certificate, the officers of the Court shall receive and file all proceedings in the suit or matter bearing stamps according to the Lower Scale. (30th Jan. 1857; Ord. 4.)

Deficiency of Court fees, where Solicitor entitled to Higher Scale.

5. In any case certified for the Lower Scale of Court fees in which it shall happen that the solicitor shall become entitled to charge and be allowed according to the Higher Scale of solicitors' fees, the deficiency in the fees of Court shall be made good. (30th Jan. 1857; Ord. 4.)

Excess of Court fees where Solicitor entitled to Lower Scale only.

6. In any case in which the fees of Court have been paid upon the Higher Scale, and in which it shall happen that the solicitor shall become entitled to charge and be allowed only according to the Lower Scale of solicitors' fees, the excess of fees of Court so paid may be allowed upon the taxation of costs, if the circumstances of the case shall, in the judgment of the Taxing Master, justify such allowance. (30th Jan. 1857; Ord. 4.)

Regulations as to Court Fees.

Stamps.

7. The stamps for denoting the payment of fees of Court shall be of the amounts set forth in the Fifth Schedule hereto.

Form of Certificate for paying the Lower Scale of Court Fees.

(Title of Cause or Matter.)

I hereby certify, that to the best of my judgment and belief, the Lower Scale of fees of Court is applicable to this case. Dated, &c.

A.B.

Solicitor for

Regulations as to Charges for Copies delivered by Parties and Solicitors.

IV.—Regulations as to Charges for Copies delivered by Parties and Solicitors.

(*See 1st Rule of Order XXXVI.*)

General rule.

1. The charges for all copies delivered by parties or solicitors under the 3rd, 4th, and 5th Rules of the 36th of the Consolidated General Orders shall be at the rate of fourpence per folio, except in the cases next hereinafter mentioned. (25th Oct. 1852; Ord. 1, Art. 5.)

Charges for copies of pleadings, proceedings, and documents, furnished to a person suing or defending *in formâ pauperis.*

2. The charges for copies of pleadings, and other proceedings and documents delivered under the 3rd, 4th, and 5th Rules of the 36th of the Consolidated General Orders, to a person admitted to sue or defend *in formâ pauperis,* or to his solicitor, by or on behalf of any other party, shall be at the rate of one penny-halfpenny per folio. Provided always, that if such person shall become entitled to receive dives costs, the charges for such copies shall be at the rate of fourpence per folio; and nothing shall be allowed in taxation in respect of such charges, until such person or his solicitor shall have paid or tendered to the solicitor or party by whom such copies were delivered, the additional twopence-halfpenny per folio. But this proviso shall not apply to any copy which shall have been delivered by the party himself who is directed to pay the costs, and not by his solicitor. (1st June 1854; Ord. 9.)

Charges for the same when furnished by such person.

3. The charges for copies delivered by a person admitted to sue or defend *in formâ pauperis,* other than those

delivered by his solicitor, shall be at the rate of one penny-halfpenny per folio. (1st June 1854; Ord. 10.)

Regulations as to Charges for Copies delivered by Parties and Solicitors.

4. All office copies and other copies of pleadings, proceedings, and documents in the Court of Chancery shall (except in the case of transcripts of accounts made in the office of the Accountant-General) be counted and charged for after the rate of seventy-two words per folio; and where such copies or any portion thereof shall comprise columns containing figures, each figure shall be counted and charged for as one word. (21st June 1854; Ord. 1.)

Mode of reckoning length of copies.

THE FIRST SCHEDULE.

SPECIAL EXAMINERS' FEES AND CHARGES.

(8th May 1845; Ord. 110. Stat. 15 & 16 Vict. c. 86, s. 31.)

For every day in which he is necessarily, and without any default of his own, detained in the performance of his duty, as special examiner, for his expenses the sum of	2	2	0
For every day in which he is *bonâ fide* employed in the examination of witnesses, the further sum of . . .	3	3	0
For every mile he travels from his place of residence to the place of examination, and from place to place where the examination is adjourned, and from the place where he last acts in the examination of witnesses, to his place of residence, the sum of	0	1	6

THE SECOND SCHEDULE.

FEES AND CHARGES TO BE ALLOWED TO SOLICITORS.

(30th January 1857.)

INSTRUCTIONS.

	Lower Scale.	Higher Scale.
For claims, original summons in chambers, special cases, answers, examinations, demurrers, pleas, and exceptions	0 13 4	0 13 4
For bills	0 13 4	2 2 0
For amended or supplemental bill	0 6 8	0 13 4
For brief on moving for injunction	0 13 4	1 1 0
For interrogatories for examination of parties or witnesses	0 6 8	0 13 4
For special petitions	0 6 8	0 13 4
For special affidavits	0 6 8	0 6 8
For brief in a suit by bill, on cause coming on for hearing, to be charged on service of notice of motion for a decree or on service of subpœna to hear judgment	1 1 0	1 1 0
For brief on claim, to include all observations	0 10 0	1 0 0
For ditto to move for leave to file	0 2 6	0 10 0
To defend proceedings commenced by bill, claim, special case, petition, or original summons	0 6 8	0 13 4
For instructions for order to revive or add parties	0 6 8	0 13 4

As to bills and answers, examinations, affidavits, and petitions, when the larger scale is applicable, in lieu of the fixed fees for instructions for and for drawing, the Taxing Master is to be at liberty to take into his consideration the special circumstances of each case, and at his discretion to make such allowances for work, labour, and expenses properly performed and incurred in or about the preparation of

the bill or answer, examination, affidavit, or petition, as shall appear to him to be just, having regard to the length of the document, the nature of the suit, the interests of the parties, and the fund or person from which or by whom the costs are to be paid.

THE PREPARATION OF PLEADINGS AND OTHER DOCUMENTS.

(*The Chancery folio to be* 72 *words and the sheet* 10 *folios.*)

	Lower Scale.			Higher Scale.		
For drawing bills, special cases, answers, pleas, demurrers, exceptions, interrogatories, petitions, and affidavits, per folio .	0	1	0	0	1	0
For ingrossing on parchment, per folio .	0	0	6	0	0	6
For ditto on paper	0	0	4	0	0	4
For drawing statements and other documents for the Judge's or Master's chambers, when required, including the fair copy thereof to leave in chambers .	0	0	8			
For the like drawing when the larger scale is applicable				0	1	0
For fair copy thereof to be left in chambers				0	0	4
For drawing all advertisements to be signed by the Master or Judge's clerk, including the attendance thereon . . .	0	6	8	0	13	4
For drawing request to the Accountant-General to lay out cash . . .	0	2	6	0	2	6
For ditto for every carrying over of cash or stock	0	2	6	0	2	6
For drawing caveat against signing or inrolling any decree or order . .	0	2	6	0	2	6
For drawing special notice of motion .	0	2	0	0	5	0
Or per folio	0	1	0	0	1	0
For drawing a claim . . .	1	1	0	2	2	0
For ditto at the Master's discretion .				3	3	0
For drawing such observations for counsel to accompany brief (except on claims) as may be necessary and proper, per sheet				0	6	8

	Lower Scale.			Higher Scale.		
For drawing the brief on further consideration, per sheet . . .	0	6	8	0	6	8
For preparing and filing replication .	0	6	8	0	10	0
For drawing statement on which counsel to move for order to revive or add parties, and copy	0	6	8	0	10	0
Or, according to circumstances, at per sheet				0	6	8
For drawing petition to revive, at per folio	0	1	0	0	1	0
For drawing and copying certificate to appoint guardians ad litem . .	0	6	8	0	6	8
For amending each copy of a bill or claim to serve, where no reprint . .	0	6	8	0	13	4
For amending each brief bill, or claim, where no reprint . . .	0	6	8	0	13	4
For preparing an original summons for the purpose of proceedings originating in chambers	0	13	4	1	1	0
For indorsing an original summons and the copies under the 8th Rule of the 35th of the Consolidated General Orders, and attending to get same sealed . .	0	6	8	0	6	8
For preparing every other summons, and attending to get same filled up and sealed at chambers	0	6	8	0	6	8
If special, not to exceed . . .				1	1	0
For drawing bills of costs, including the copy for the Master's office, per folio .	0	0	8	0	0	8
For certifying proceeding under lower scale of court fees	0	5	0			

The fee for drawing a document in all cases includes a copy, if required, for the use of the solicitor or client, or for the settlement of counsel.

PERUSALS.

For perusing the print of a bill by the defendant's solicitor . . .	1	1	0	1	1	0
If exceeding 60 folios, at per folio . .				0	0	4

	Lower Scale.	Higher Scale.
For perusing the print of an amended bill .	0 13 4	0 13 4
If amendments exceeding 40 folios, at per folio		0 0 4
For perusing an amended bill, when amended in writing	0 6 8	0 6 8
If amendments exceeding 20 folios, at per folio		0 0 4
For perusing an answer . . .	0 6 8	0 13 4
If exceeding 40 folios, at per folio .		0 0 4
For perusing an examination, at per folio .	0 0 4	0 0 4
For perusing all special affidavits filed by an opposing party, at per folio .	0 0 4	0 0 4
For perusing copy supplemental statement, under 15 & 16 Vict. c. 86, s. 53 .	0 6 8	0 13 4
For perusing copy order to revive .	0 6 8	0 13 4

The fees for perusal are not to apply where the same solicitor is for both parties.

COPIES.

Subject to the foregoing regulations as to charges for copies, copies of all documents are to be at the rate of per folio .	0 0 4	0 0 4
Or per sheet of 10 folios, at . .	0 3 4	0 3 4
Having regard to the preceding fees for perusal, the fee for "abbreviating" is to cease, and no close copies are now to be allowed as of course, but the allowance is to depend on the propriety of making the copy, which in each case is to be shown and considered.		
For examining and correcting a proof, at per folio	0 0 2	0 0 2
For each copy of a Judge's summons, to leave in chambers or to serve . .	0 2 0	0 2 0
For each copy of a notice of motion, order, or certificate to serve	0 1 0	0 1 0
Or at per folio		0 0 4

ATTENDANCES.

	Lower Scale.			Higher Scale.		
For attending on a Master's warrant .	0	6	8	0	6	8
Or, according to circumstances, not to exceed per diem	2	2	0	2	2	0
For attending each counsel with his brief, case, or abstract, in a suit or other proceeding in this court	0	6	8	0	6	8
For the like where the fee amounts to 5 guineas				0	13	4
Where it amounts to 20 guineas . .				1	1	0
Where it amounts to 40 guineas or upwards				2	2	0
For attending to present special petition and for same answered . . .	0	6	8	0	6	8
For attending to present petition for order of course, and for order . . .	0	6	8	0	13	4
For attendance on counsel and court on motion of course, and for order . .	0	6	8	0	13	4
For attending on the day in which a cause or petition stands on the paper for hearing	0	6	8	0	10	0
For attending when heard . . .	0	13	4	1	1	0
Or according to circumstances, not to exceed per diem				2	2	0
For attending the court on every special motion, each day . . .	0	6	8	0	13	4
The like, when heard . . .	0	13	4	0	13	4
Or according to circumstances, not to exceed				1	1	0
For attending on motion for or to discharge order for injunction, or ne exeat, when heard, per diem . . .	0	13	4	1	1	0
Or according to circumstances, not to exceed				2	2	0
For attending to get answer or special affidavit sworn	0	6	8	0	6	8
For attendance on the Registrar for directions to the Accountant-General to sell or transfer stock . . .	0	6	8	0	6	8

	Lower Scale.			Higher Scale.		
For attendance on the Accountant-General thereon	0	6	8	0	6	8
For attending the Accountant-General with request to lay out cash	0	6	8	0	6	8
The like to carry over cash or stock to another account in his books	0	6	8	0	6	8
For attending Accountant-General to identify a person receiving a check	0	6	8	0	6	8
For attending the Accountant-General with order to bespeak, and afterwards to procure his directions for payment of money into court, attending at the Bank of England to pay the money, and for attending on the Accountant-General with the receipt, and at the Report Office to bespeak and to procure the Office copy	0	13	4	0	13	4
Where the sum paid in shall amount to 100*l.*	1	1	0	1	1	0
And where the same shall amount to 1000*l.*				2	2	0
And where the same shall amount to 5000*l.*				3	3	0
For attending the Master on signing report	0	6	8	0	6	8
For attending to file report and certificates at the Report Office, and for office copy	0	6	8	0	6	8
For attending Examiner to procure appointment to examine witnesses	0	6	8	0	6	8
For attending the examination of witnesses before Examiner	0	6	8	0	13	4
Or according to circumstances, not to exceed per diem	1	1	0	2	2	0
But if without counsel, the fee may, at the Master's discretion, be increased to	2	2	0	3	3	0
For attending to settle, and afterwards to read over the ingrossment of an answer or examination	0	6	8	0	13	4
If the same exceed 20 folios and under 50 folios	0	13	4	1	1	0
And for each additional 30 folios	0	6	8	0	6	8

	Lower Scale.			Higher Scale.		
For attending to insert an advertisement in Gazette	0	6	8	0	6	8
For entering caveat with the Clerks of Records and Writs . . .	0	6	8	0	6	8
For attending to procure certificate of a caveat	0	6	8	0	6	8
For attending Registrar to certify abatement or settlement of suit, and to have same so marked in the Cause book . .	0	6	8	0	6	8
For attending the printer with a bill or claim to be printed . . .	0	6	8	0	6	8
For attending to get copies of bill, claim or interrogatories, marked for service .	0	6	8	0	6	8
For attending to take instructions to appear and to enter the appearance of one or more defendants not exceeding three .	0	6	8	0	6	8
If exceeding three, for every additional number not exceeding three . .	0	6	8	0	6	8
For attending at chambers to get original summons and duplicate examined and sealed	0	6	8	0	6	8
For attending at the Record and Writ Office to file duplicate and examine copies, and get same stamped . . .	0	6	8	0	6	8
For attending on a summons or other appointment, each day, a fee of 6*s.* 8*d.*, 13*s.* 4*d.*, or 1*l.* 1*s.*, according to circumstances; each attendance to be allowed by the Judge or his chief clerk. Where from the length of the attendance, or from the difficulty of the case, the Judge shall think the highest of the above fees an insufficient remuneration for the services performed, or where the preparation of the case or matter, to lay it before the Judge in Chambers or on a summons, shall have required skill and						

	Lower Scale.	Higher Scale.
labour for which no fee has been allowed, the Judge may allow such further fee, not exceeding one guinea, or, where the higher scale is applicable, two guineas, as in his discretion he may think fit. And where the preparation of the case or matter, to lay it before the Judge in Chambers on a summons, shall have required and received from the solicitor such extraordinary skill and labour as materially to conduce to the satisfactory and speedy disposal of the business, and therefore shall appear to the Judge to deserve higher remuneration than the ordinary fees, the Judge may allow to the solicitor, by a memorandum in writing expressly made for that purpose, and signed by the Judge, specifying distinctly the grounds of such allowance, such further fee, not exceeding Ten Guineas, as in his discretion he may think fit, instead of the above further fee of one guinea or two guineas. (2 Feb. 1855.)	0 6 8 to 2 2 0	0 6 8 to 3 3 0
For perusing the affidavits of claimants coming in under the 38th Rule of the 35th of the Consolidated General Orders, and attending in chambers at the time appointed by the advertisement, where the number of claims do not exceed five	0 10 6	1 1 0
Where the number exceeds five, for every additional number, not exceeding five, an additional sum of . . .	0 10 6	1 1 0
For attending for every order drawn up by the Chief Clerk, and at the Registrar's Office to get same entered . .	0 6 8	0 6 8
For attending to enter claim under the 38th Rule of the 35th of the Consolidated General Orders, and to file affidavit .	0 6 8	0 6 8

	Lower Scale.			Higher Scale.		
For the plaintiff or party having the conduct of the order, attending the Registrar with brief and papers to bespeak minutes or order, not being an order of course	0	6	8	0	6	8
For ditto, for preparing list of evidence read (but only when required by the Registrar, and certified by him) .	0	6	8	0	6	8
Or according to length, at per folio .				0	1	0
Attending to settle the draft or minutes of any decree or order . . .	0	6	8	0	13	4
Or, at the Taxing Master's discretion, not to exceed	1	1	0	3	3	0
Attending to pass any decree or order not being an order of course, including the entry thereof	0	6	8	0	13	4
N.B.—The Registrar will leave the order for entry.						
In case the Registrar shall certify that a special allowance ought to be made in respect of any unusual difficulty in settling and passing an order, the Taxing Master is to consider the same, and make such allowance to all or any of the parties as to him shall seem just.						
For attending to procure certificate of pleadings	0	6	8	0	6	8
For attending to procure Accountant-General's certificate of fund in court .	0	6	8	0	6	8
For attending to obtain consent of next friend to sue in his name . .	0	6	8	0	13	4
For attending to give consent to take answer without oath, to hear cause as short, and for other necessary or proper consents of a like nature . .	0	6	8	0	6	8
For attending to procure such consents .	0	6	8	0	6	8

	Lower Scale.	Higher Scale.
For procuring certificate of counsel to mark cause short, and attending Registrar thereon	0 6 8	0 6 8
For attendance to mark Master or conveyancing counsel . . .	0 6 8	0 6 8
For attendances in consultation or in conference with counsel . . .	0 13 4	0 13 4
For attending to set down cause or appeal for hearing	0 6 8	0 6 8
For attending to leave papers with Judge's secretary prior to hearing . .	0 6 8	0 6
For attending court on appointment of a guardian ad litem . . .	0 13 4	0 13 4
For attending to procure transcripts of Accountant-General's books, when necessary	0 6 8	0 6 8

The fees for consent are not to apply where the same solicitor is for both parties.

WRITS.

For every writ of subpœna duces tecum .	0 6 8	0 6 8
For a writ or writs of subpœna other than subpœna duces tecum, if the number of names therein shall not exceed three .	0 6 8	0 6 8
If exceeding three names, for every additional number not exceeding three .	0 6 8	0 6 8
For instructions for every writ of fieri facias de bonis ecclesiasticis, or writ of sequestrari facias (18th July, 1857, Order 5) .	0 6 8	0 6 8
For preparing every writ of fieri facias de bonis ecclesiasticis, or writ of sequestrari facias (18th July, 1857, Order 5) .	0 13 4	0 13 4
For attending to lodge any writ of fieri facias de bonis ecclesiasticis or writ of sequestrari facias at the Bishop's registry, and for attending to instruct the officer charged with the execution of such writ (18th July, 1857, Order 5) . .	0 6 8	0 6 8

	Lower Scale.	Higher Scale.
For preparing every other writ without order	0 6 8	0 6 8
For every writ under order, except special injunction	0 13 4	0 13 4
For special injunction, including ingrossment and docket	0 10 0	1 0 0
Or per folio	0 1 4	0 1 4
For inrolling a decree or order	0 10 0	1 0 0
Or per folio	0 1 4	0 1 4

NOTICES AND SERVICES.

For service of a notice of motion, exclusive of copy	0 2 6	0 2 6
For notice to a solicitor of appearance, answer, demurrer, plea, amendment, and replication	0 2 6	0 2 6
For notice of claim, under 36th Order of 16th October, 1852	0 2 6	0 2 6
For notice of evidence to be read in Judge's chambers	0 2 6	0 2 6
For notice of filing affidavit or set of affidavits filed, or which ought properly to have been filed together, to be read in Court	0 2 6	0 2 6
For notice of appointment for settling and passing minutes, decrees, or orders before the Registrar	0 2 6	0 2 6
For copy and service of a warrant on a solicitor	0 2 6	0 2 6
For service of a Judge's summons, exclusive of the copy	0 2 6	0 2 6
For service of a petition	0 2 6	0 2 6
For service of an order, exclusive of the copy	0 2 6	0 2 6
For other necessary or proper notice	0 2 6	0 2 6
For services on a party or witness such reasonable charges and expenses as may		

	Lower Scale.	Higher Scale.
be properly incurred, according to distance or by the employment of an agent.		

The fees for notices and services are not to apply where the same solicitor is for both parties, unless it be necessary for the purpose of making affidavit of service.

There is to be one notice only of settling minutes, and one notice of passing decree or order, which if necessary are to be continued by adjournment, of which all parties are to take notice.

OATHS AND EXHIBITS.

	Lower Scale.	Higher Scale.
To the Commissioner for oath in London, according to statute . . .	0 1 6	0 1 6
In the country	0 2 6	0 2 6
To the solicitor for preparing each exhibit in town and country . . .	0 1 0	0 1 0
The Commissioner for marking each exhibit	0 1 0	0 1 0

TERM FEE.

	Lower Scale.	Higher Scale.
For a term fee in all causes, for every term in which a proceeding by the party shall take place	0 10 0	0 10 0
And for letters per term . . .	0 5 0	0 5 0
In country agency causes the further fee for letters of		0 6 8
And if it be shown to the satisfaction of the Taxing Master that the agency correspondence has been special and extensive, he is to be at liberty to make a special allowance in respect thereof.		
In addition to the term fee the necessary expense of the postage, carriage, and transmission of documents is to be allowed.		
The like term fee and for letters in matters as in causes.		

	Lower Scale.	Higher Scale.
Where no proceeding is taken which carries a term fee, a charge for letters may be allowed, if the circumstances shall require it.		
For any work or labour properly performed and not herein provided for, such allowances are to be made as heretofore.		

THE THIRD SCHEDULE.

OTHER FEES TO BE ALLOWED TO SOLICITORS.

(26th Feb. 1807—30th Jan. 1857.)

For perusing abstract, every three brief sheets	0 6 8
For perusing the draft of every deed, for each skin	0 5 0
For examining the ingrossment with the draft, for every three skins . .	0 10 0
For making all attested copies, examining and attesting same, per folio . .	0 0 6

THE FOURTH SCHEDULE.

FEES TO BE COLLECTED BY MEANS OF STAMPS.

(30th Jan. 1857.)

In the Judges' Chambers.

For every original summons for the purpose of proceedings originating in chambers .	0 5 0	0 5 0
For every duplicate thereof . .	0 1 0	0 5 0
For every other summons . . .	0 1 0	0 3 0
For every order drawn up by the Chief Clerk, made upon applications for time to plead, answer, or demur, for leave to amend bills or claims, or for enlarging publication, or the period for closing evidence .	0 1 0	0 5 0

	Lower Scale.	Higher Scale.
For every other order drawn up by the Chief Clerk	0 10 0	1 0 0
For every advertisement . . .		1 0 0
For every certificate or report . .	1 0 0	1 0 0
For every certificate upon the passing of a receiver's or consignee's account, a further fee in respect of each 100*l.* of the net balance received by such receiver or consignee, after deducting all necessary outgoings for rents, taxes, rates, repairs, and management of the property .	0 10 0	0 10 0
For every oath, affirmation, declaration, or attestation upon honour . .	0 1 6	0 1 6

In the Masters' Offices.

For every warrant or summons . .	0 3 0	0 3 0
For every certificate or report . .	1 0 0	1 0 0
For taking the acknowledgment of every married woman . . .	1 6 8	1 6 8
For attending any court per day by the clerk	0 14 0	0 14 0
For every certificate upon the passing of a receiver or consignee's account, a further fee in respect of each 100*l.* of the net balance received by such receiver or consignee, after deducting all necessary outgoings for rents, taxes, rates, repairs, and management of the property . .	0 10 0	0 10 0

In the Registrars' Office.

For every decree or decretal order made by the Court on a special case, or on the original hearing of a cause or claim, or on motion for a decree, and on further directions, or further consideration not

	Lower Scale.	Higher Scale.
made on summons adjourned from chambers	1 0 0	3 0 0
For every order on petition or motion of course	0 1 0	0 5 0
For every other order . . .	0 10 0	1 0 0
For every office copy of a decree or order, and for every office copy of a petition of appeal or rehearing made under the 12th Rule of the 36th of the Consolidated General Orders	0 10 0	1 0 0
Note.—The above fees are to include the charge for entry.		
In the Examiners' Office.		
For every witness sworn and examined, including oath, for each hour . .	0 5 0	0 5 0
For every witness sworn and examined away from the office (besides coach hire and reasonable expenses) . .	1 7 0	1 7 0
If more than five miles from the Examiner's office, for the first day . .	2 15 0	2 15 0
For every other day . . .	2 2 0	2 2 0
Upon every application to inspect depositions, including the inspection . .	0 3 0	0 3 0
Upon every application to search book for causes, including search . . .	0 1 0	0 1 0
Upon every application to search book for depositions, including search . .	0 1 0	0 1 0
In the Record and Writ Clerks' Office, and Report Office.		
For making all office and other copies, per folio	0 0 4	0 0 4
For filing every bill or information .	0 10 0	1 0 0
For filing every claim . . .	0 5 0	0 5 0
For filing every special case . .	1 0 0	1 0 0
Upon entering every appearance, if not more than three defendants . .	0 7 0	0 7 0

	Lower Scale.	Higher Scale.
If more than three and not exceeding six defendants	0 14 0	0 14 0
And the same proportion for every like number of defendants.		
For every certificate . . .	0 4 0	0 4 0
For marking every copy of a bill, claim, or summons to be served . . .	0 1 0	0 5 0
For every writ of summons, distringas, subpœna, or attachment . .	0 5 0	0 5 0
For every writ of fieri facias de bonis ecclesiasticis or sequestrari facias (18th July, 1857, Order 5)	1 0 0	1 0 0
For sealing every other writ . .	1 0 0	1 0 0
For every oath, affirmation, declaration, or attestation upon honour, except for the purpose of receipt of dividends from the Accountant-General . . .	0 1 6	0 1 6
For examining every copy or part of a copy of a set of interrogatories, and marking same as an office copy . . .	0 1 0	0 5 0
Upon every application for a search for a record, and for searching . .	0 2 0	0 2 0
Upon every application for a search in the Report Office. (25th Oct. 1852, Sched. 1, Pt. 2)	0 0 6	0 0 6
Upon every application to inspect a record, and for inspecting the same . .	0 5 0	0 5 0
Upon every application to inspect exhibits, if occupied not more than one hour .	0 5 0	0 5 0
If more than one hour, per diem . .	0 10 0	0 10 0
Upon every application for the officer's attendance in courts of law, per diem, and for his attendance, besides reasonable expenses of the officer . .	1 0 0	1 0 0
Upon every application for the officer's attendance in a court of equity, and for his attendance, per diem . .	0 10 0	0 10 0

	Lower Scale.	Higher Scale.
Upon every application to swear an invalid, including the attendance, besides necessary expenses	0 10 0	0 10 0
For examining and signing inrolments of decrees and orders . . .	3 0 0	3 0 0
For filing caveat against claim to revive, or against decree or order or inrolment .	0 5 0	0 5 0
For filing supplemental statement or statement for revivor . . .	0 5 0	0 10 0
For filing every affidavit, including schedules and exhibits . . .	0 2 6	0 2 6
For every application to inspect an affidavit	0 0 6	0 0 6
For amending every record of a bill, claim, or special case	0 10 0	0 10 0

In the Taxing Master's Office.

For every warrant or summons, but not more than one warrant or summons is to be issued on one bill, or set of bills, unless the Taxing Master shall think it necessary to issue a new warrant or summons	0 1 0	0 3 0
On signing every report and certificate .	0 10 0	1 0 0
Upon the taxation of every bill of costs, as taxed, where the amount shall not exceed 20*l.*	0 10 0	0 10 0
Upon every additional 20*l.* or fractional part thereof, a further fee of . .	0 10 0	0 10 0
For every oath, affirmation, or attestation upon honour	0 1 6	0 1 6

Where no certificate of the taxation of a bill of costs is required, the ad valorem duty hereby directed to be levied in respect of the taxation of costs shall nevertheless be due, and shall be payable on the amount of the bill as taxed, or on the amount of such part thereof as may have been taxed; and the solicitor shall in such

	Lower Scale.	Higher Scale.
case cause the proper stamp (the amount thereof to be fixed by the Taxing Master) to be impressed on or annexed to the bill of costs. (4th Dec. 1852; Ord. 1.) But where the Taxing Master sends a bill or part of a bill to the officer of any other court, with a request to such officer to assist him in the taxation thereof, and the officer of such other court takes his fee thereon, the ad valorem duty hereby directed to be levied in respect of the taxation of costs shall not be paid on that part of the bill so taxed and charged for by the officer of such other court. (29th Nov. 1853.)		
In the Lord Chancellor's Principal Secretary's Office.		
On all attendable petitions, appeals, rehearings, and letters missive . .	0 5 0	1 0 0
On all non-attendable petitions . .	0 5 0	0 10 0
On a matter of course order, on a petition of right	0 10 0	0 10 0
On an order for a commission on a petition of right	1 0 0	1 0 0
In the Office of the Secretary at the Rolls.		
On every petition set down for hearing, to include the fee on hearing . .	0 5 0	1 0 0
On the petition for every order of course .	0 1 0	0 5 0
On the admission of every solicitor .		1 17 0
In the Office of the Accountant-General.		
For preparing power of attorney with affidavit, exclusive of stamp duty . .	0 3 0	0 3 0
Upon every application for a search .	0 5 0	0 5 0
For transcript of accounts, each opening consisting of debtor and creditor sides of the account (30th Jan. 1857, and 21st June 1854, Ord. 2.) . . .	0 2 0	0 2 0

THE FIFTH SCHEDULE.

AMOUNTS OF STAMPS FOR COLLECTING FEES.

(7th Sept. 1852. 3rd Dec. 1852. 26th July 1855.)

One penny, threepence, fourpence, sixpence, eightpence, one shilling, one shilling and fourpence, one shilling and sixpence, one shilling and eightpence, two shillings, two shillings and sixpence, two shillings and eightpence, three shillings, three shillings and sixpence, four shillings, five shillings, seven shillings, eight shillings, ten shillings, fourteen shillings, one pound, two pounds, three pounds, four pounds, five pounds, ten pounds.

CAMPBELL, C.
JOHN ROMILLY, M. R.
J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

Hilary Term, 1860.

APPENDIX.

*Orders of the 5th of May, 1837, as to Selection of Court.

[Referred to at p. 2.]

I. That, from and after the 20th day of May now instant, every original information or bill of complaint filed in the High Court of Chancery, shall (at the option of the party, informant or complainant, by or on whose behalf the information or bill shall be filed), be distinctly marked at or near the top or upper part thereof, either with the words "Lord Chancellor," or with the words "Master of the Rolls:" And that the six clerk and clerk in court, to whom the filing of the information or bill belongs, shall, in the books and indexes in which the same shall be entered, add to the entry thereof such distinguishing words or mark as may make it appear from such entry whether the information or bill is marked with the words "Lord Chancellor," or with the words "Master of the Rolls:" And that, from and after the said 20th day of May, the six clerks and clerks in court are not to file any original information or bill of complaint which shall not be marked in the manner hereinbefore directed. 1. Bills, &c., to be marked.

II. That, in every cause in which the original information or bill shall be marked with the words "Lord Chancellor," or with the words "Master of the Rolls," the six clerk to whom it belongs to give or sign the certificate that the cause is ready for hearing shall, upon being applied to for such certificate, see that the same certificate is marked, or cause the same to be marked, with the words "Lord Chancellor," or with the words "Master of the Rolls," in conformity with the like words marked on the original information or bill. 2. Certificate of pleadings to be marked.

III. That, in every cause now in Court, but which has not yet been set down for hearing, the clerk in court who, on the behalf of 3. Causes in Court, but not yet set down.

* Printed from Sanders, p. 834—841.

the informant, or of the plaintiff or defendant, shall, at any time after the 20th day of May instant, apply to the six clerk to set down the cause for hearing, or for the certificate that the cause is ready for hearing, shall state or certify to such six clerk whether any orders or order disposing of any pleas or plea, demurrers or demurrer, or any special orders or order upon merits shown by answer or by affidavit, have or has been made in the cause, or (in case no such order as aforesaid has been made) whether the party on whose behalf the application is made desires the cause to be heard before the Lord Chancellor or the Master of the Rolls; and in case the clerk in court so applying shall certify that any such order as aforesaid has been made by the Lord Chancellor or Vice-Chancellor, and not by the Master of the Rolls, or that such orders as aforesaid have been made by both the Lord Chancellor or Vice-Chancellor and the Master of the Rolls, but that the last of such orders has been made by the Lord Chancellor or Vice-Chancellor, or (in case no such order has been made in the cause) that the party desires the cause to be heard before the Lord Chancellor, the six clerk giving the certificate shall see that the same certificate is marked, or shall cause the same to be marked, with the words "Lord Chancellor;" and the six clerk and clerk in court shall cause the entries of the cause in their books and indexes to be marked with such distinguishing words or marks as shall signify that the cause is to be heard before the Lord Chancellor; and in case the clerk in court so applying as aforesaid shall certify that any such order as aforesaid has been made by the Master of the Rolls, and not by the Lord Chancellor or Vice-Chancellor, or that such orders as aforesaid have been made by both the Lord Chancellor or Vice-Chancellor and the Master of the Rolls, but that the last of such orders has been made by the Master of the Rolls, or (in case no such order as aforesaid has been made in the cause) that the party desires the cause to be heard before the Master of the Rolls, the six clerk giving the certificate shall see that the same certificate is marked, or shall cause the same to be marked, with the words "Master of the Rolls;" and the six clerk and clerk in court shall cause the entries of the cause in their books and indexes to be marked with such distinguishing words or marks as shall signify that the cause is to be heard before the Master of the Rolls.

4. Setting down causes.

IV. That the registrars of the Court, and the secretaries of the Lord Chancellor and of the Master of the Rolls, are not at any time after the said 20th day of May instant to set down to be heard any cause in which the certificate of the cause being ready for hearing shall not be marked in the manner directed by the 2nd and 3rd Orders, and are not, after the date of these Orders, to set down to

be heard before the Master of the Rolls any cause, further directions, or exceptions, which is or are now set down to be heard before the Lord Chancellor, and are not, without special order of the Lord Chancellor, to set down to be heard before the Lord Chancellor any cause, further directions, or exceptions, which is or are now set down to be heard before the Master of the Rolls.

V. That in every petition praying that a day may be appointed for arguing a plea or demurrer put in to any information or bill filed on or after the said 20th day of May, it shall be stated whether the information or bill to which such plea or demurrer is put in is marked with the words "Lord Chancellor," or with the words "Master of the Rolls." 5. Petitions to set down pleas and demurrers.

VI. That, from and after the said 20th day of May instant, the several causes and matters hereinafter mentioned, not already set down, shall be set down to be heard before the Lord Chancellor, and shall not without special order of the Lord Chancellor be set down to be heard before the Master of the Rolls. 6. Causes, &c., not yet set down, which are to be set down before Lord Chancellor.

1. Every plea or demurrer, and all exceptions in any cause in which the information or bill shall be marked with the words "Lord Chancellor," or in which the entries of the cause in the six clerks' books shall be so marked as to signify that the same is to be heard before the Lord Chancellor.

2. Every cause in which the certificate of the cause being ready for hearing shall be marked with the words "Lord Chancellor."

3. Every cause requiring to be heard for further directions, or on the equity reserved, and in which the Master's report has been or shall be made, or a trial at law has been or shall be had, or the certificate of a court of common law has been or shall be obtained in pursuance of a decree or order pronounced by the Lord Chancellor or Vice-Chancellor.

4. Every exception or set of exceptions taken to any report made by a Master in ordinary, in pursuance of a decree, or an order of reference, (not being an order obtained as of course), made by the Lord Chancellor or the Vice-Chancellor.

VII. That, from and after the said 20th day of May instant, every petition presented or motion made under or pursuant to the liberty to apply contained in any decree or decretal order of the Lord Chancellor or Vice-Chancellor, shall, as to petitions, be addressed to and set down to be heard before the Lord Chancellor, and shall as to motions be made before the Lord Chancellor or Vice-Chancellor, and that no such petition or motion shall, without special order of the Lord Chancellor, be addressed to or made before the Master of the Rolls. 7. Petitions and motions under liberty to apply, which are to be set down before Lord Chancellor or Vice-Chancellor.

VIII. That all such pleas, demurrers, causes, further directions, 8. Causes, &c., so set down

before Lord Chancellor, to be subject to same rules as causes set down before Lord Chancellor have heretofore been.

exceptions, and petitions, to be so set down to be heard before the Lord Chancellor, as hereinbefore is directed, shall be heard and determined in the same manner, and be subject to the same rules, as pleas, demurrers, causes, further directions, exceptions, and petitions, set down before the Lord Chancellor, have heretofore been heard and determined.

9 Interlocutory petitions and motions, which are to be set down before Lord Chancellor or Vice-Chancellor.

IX. That, from and after the said 20th day of May instant, all interlocutory applications by way of motion or petition, (other than applications for orders of course,) shall, in the several cases hereinafter mentioned, be made to the Lord Chancellor or to the Vice-Chancellor, and shall not without special order of the Lord Chancellor be made to the Master of the Rolls; viz., in the several cases following:—

1. Where the original information or bill is marked with the words "Lord Chancellor."

2. Where the cause has not been set down for hearing, and any order disposing of any plea or demurrer or any special order upon merits, shown by answer or by affidavit, has been made in the cause by the Lord Chancellor or Vice-Chancellor, and no such order has been made by the Master of the Rolls.

3. Where the cause has not been set down for hearing, and orders disposing of pleas or demurrers or special orders upon merits, shown by answer or affidavit, have been made by both the Lord Chancellor or Vice-Chancellor and the Master of the Rolls, but the last of such orders was made by the Lord Chancellor or Vice-Chancellor.

4. Where the cause has been set down for hearing before the Lord Chancellor, either for original hearing or for further directions, or on the equity reserved.

5. Where the decree or last decretal order was made by the Lord Chancellor or Vice-Chancellor, except in cases where the decree or last decretal order was made by the Lord Chancellor on a re-hearing of a decree or decretal order made by the Master of the Rolls.

10. Causes, &c., not yet set down, which are to be set down before M. R.

X. That, from and after the said 20th day of May instant, the several causes and matters hereinafter mentioned, not already set down, shall be set down to be heard before the Master of the Rolls, and shall not otherwise than for the purpose of re-hearing be set down to be heard before the Lord Chancellor.

1. Every plea or demurrer, and all exceptions in any cause in which the information or bill shall be marked with the words "Master of the Rolls;" or in which the entries of the cause in the six clerks' books shall be so marked as to signify that the same is to be heard before the Master of the Rolls.

2. Every cause in which the certificate of the same being ready for hearing shall be marked with the words "Master of the Rolls."

3. Every cause requiring to be heard for further directions or on the equity reserved, and in which the Master's report has been or shall be made, or a trial at law has been or shall be had, or the certificate of a court of common law has been or shall be obtained, in pursuance of a decree or order pronounced by the Master of the Rolls.

4. Every exception, or set of exceptions, taken to any report made by a Master in ordinary, pursuant to a decree or an order of reference (not being an order obtained as of course) made by the Master of the Rolls.

11. Petitions and motions, under liberty to apply, which are to be set down before M. R.

XI. That, from and after the said 20th day of May instant, every petition presented, or motion made, under or pursuant to the liberty to apply contained in any decree or decretal order of the Master of the Rolls, shall be addressed to and set down to be heard, or shall be made, before the Master of the Rolls: And that, except for the purpose of re-hearing an order of the Master of the Rolls, no such petition or motion shall be addressed to or made before the Lord Chancellor.

12. Interlocutory petitions and motions which are to be set down before M. R.

XII. That, from and after the said 20th day of May instant, all interlocutory applications, by way of motion or petition, (other than applications for orders of course), shall, in the several cases hereinafter mentioned, be made to the Master of the Rolls, and shall not, except for the purpose of re-hearing an order of the Master of the Rolls, be made to the Lord Chancellor; viz., in the several cases following:—

1. Where the original information or bill is marked with the words "Master of the Rolls."

2. Where the cause has not been set down for hearing, and any order disposing of any plea or demurrer, or any special order upon merits shown by answer or affidavit, has been made in the cause by the Master of the Rolls, and no such order has been made by the Lord Chancellor or Vice-Chancellor.

3. Where the cause has not been set down for hearing, and orders disposing of pleas or demurrers, or special order upon merits shown by answer or affidavit, have been made by both the Lord Chancellor or Vice-Chancellor and the Master of the Rolls, but the last of such orders has been made by the Master of the Rolls.

4. Where the cause has been set down for hearing before the Master of the Rolls, either for original hearing or for further directions, or on the equity reserved, and is not now set down to be so heard before the Lord Chancellor.

5. Where the decree or last decretal order was made by the Master of the Rolls or by the Lord Chancellor, on the re-hearing of a decree or decretal order of the Master of the Rolls.

13. Orders as to interlocutory applications not to extend to orders of course.

XIII. That the above Orders as to interlocutory applications shall not extend to any applications for orders of course, nor to any petitions presented, or notices of motion given, before the 18th day of May instant.

14. Orders of course to be made as heretofore; but proviso, as to showing cause upon orders nisi obtained as of course, and as to exceptions on references obtained as of course.

XIV. That all applications for orders of course to be obtained on petition or motion shall and may be made in the same manner in all respects as if the above Orders had not been made; but as to all cases in which, according to the 9th preceding Order, interlocutory applications (other than applications for orders of course) are directed to be made before the Lord Chancellor or Vice-Chancellor, if any order nisi, upon which cause against making the order absolute is to be shown to the Court, shall be obtained as of course from the Master of the Rolls, such cause shall be shown before the Lord Chancellor or Vice-Chancellor; and if any order of reference to the Master in ordinary shall be obtained as of course from the Master of the Rolls, and the Master's report pursuant to such order of reference shall be excepted to, the exceptions thereto shall be heard before the Lord Chancellor or the Vice-Chancellor: And in all cases in which, according to the 12th preceding Order, interlocutory applications (other than applications for orders of course) are directed to be made before the Master of the Rolls, if any order nisi, upon which cause against making the order absolute is to be shown to the Court, shall be obtained as of course from the Lord Chancellor or Vice-Chancellor, such cause shall be shown before the Master of the Rolls; and if any order of reference to the Master in ordinary shall be obtained as of course from the Lord Chancellor or Vice-Chancellor, and the Master's report pursuant to such order of reference shall be excepted to, the exceptions thereto shall be heard before the Master of the Rolls.

15. Application for special orders during vacations.

XV. That, in the interval between the close of the sittings after any term and the commencement of the sittings before or at the beginning of the next ensuing term, applications for special orders may be made to any Judge of the Court in the same manner as if these Orders had not been made; but that the orders which shall be made in any such interval by the Lord Chancellor, or by the Master of the Rolls, or by the Vice-Chancellor, shall, if not made by the Judge to whom the application, if made during the ordinary sittings of the Court, would have been made pursuant to the directions contained in these Orders, be marked as having been made for such Judge, and shall in the future proceedings of the cause be deemed to be the order of such Judge in all respects save this,—that no

Proviso as to re-hearing same.

order so made by one Judge for another under the circumstances aforesaid shall be re-heard for the purpose of being discharged or varied otherwise than by the Lord Chancellor.

XVI. That, from and after the said 20th day of May instant, all matters which under and by virtue of any Act of Parliament or otherwise the Court hath jurisdiction to hear and determine in a summary way, and which shall be in the first instance brought under the consideration of the Court upon a petition presented to the Lord Chancellor, shall in any subsequent stage of the proceedings respecting the same matters be heard and determined by the Lord Chancellor or Vice-Chancellor; and that no petition respecting the same matters in any subsequent stage of the proceedings relating thereto, shall, without special order of the Lord Chancellor, be set down to be heard before the Master of the Rolls; and that all such matters as aforesaid which shall be in the first instance brought under the consideration of the Court upon a petition to the Master of the Rolls, shall, in any subsequent stage of the proceedings respecting the same matters, be heard and determined by the Master of the Rolls, and that no petition respecting the same matters in any subsequent stage of the proceedings relating thereto, shall, otherwise than for the purpose of re-hearing an order of the Master of the Rolls, be set down to be heard before the Lord Chancellor.

16. Matters under Acts of Parliament.

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*Fourth Order of the 11th of November, 1841, as to Selection of Court.

[Referred to at p. 2.]

IV. That the plaintiff in every cause now in the Lord Chancellor's Court, whether already heard, standing for hearing, or otherwise, except those mentioned in the last preceding Order, shall be at liberty to deliver a notice to his clerk in Court, stating the name of the Vice-Chancellor, to whose Court he desires such cause to be attached, and to serve notice thereof on all parties to the cause; and in case the plaintiff shall neglect or omit so to do on or before the seventeenth day of November instant, the defendant, or any one of the defendants, shall be at liberty to give such notice; and in case, on the twenty-first day of November instant, no such notice shall have been given, then any person who may be desirous of applying to the Court in such cause, shall be at liberty to give such

4. How and by whom notice is to be given of selection of Court.

* Printed from Sanders, p. 893.

Which of the notices is to determine.

notice; and that the notice of the plaintiff, if given on or before the said seventeenth day of November instant, or if not so given, then the notice whether of the plaintiff or of any one of the defendants first given after the said seventeenth day of November instant, and before the said twenty-first day of November instant, and the notice of the plaintiff, or of any one of the defendants, or of the person desirous of applying as aforesaid, first given on or after the said twenty-first day of November instant, shall determine the Court to which such cause shall be attached, unless removed therefrom by any special Order to be made by the Lord Chancellor; and that no party or person shall move, petition, or take any proceedings until such notice has been given.

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*Order of the 1st of August, 1741, as to Exchequer Orders and Bills.

[Referred to at p. 2.]

Monies of suitors.

Order of 26 May, 1725 (11 Geo. I.)

Order of 4 Nov. 1725 (12 Geo. I.)

Act of 12 Geo. I., c. 32.

Whereas the Right Honorable the late Lords Commissioners for the custody of the Great Seal of Great Britain did, on the 26th day of May, in the year of our Lord 1725, make a general Order of this Court, for delivering into, and depositing in the Bank of England, the money, bonds, tallies, and other effects of the suitors of this Court, which had been, or thereafter should be taken under the care and direction of this Court, and for the security thereof, Which Order, by another general Order of this Court, made by the Right Honorable the late Lord High Chancellor, &c., on the 4th day of November following, was directed to be kept and observed, with several explanations, alterations, and additions, in the said last-mentioned Order contained, And whereas, by an act of Parliament made in the 12th year of the reign of his late Majestie, King George the First, intitled, "An Act for better securing the moneys and effects of the suitors of the Court of Chancery, and to prevent the counterfeiting of East India bonds, and indorsements thereon, as likewise indorsements on South Sea bonds," it was (amongst other things) enacted, that the said two several Orders should be confirmed, and that the same should be thenceforwards observed, and kept, unless in such points as in the said act were varied, or should at any time thereafter be varied or changed, by this Court, according as the said Court should, from the exigency or circumstances of affairs, judge reasonable or proper, And it was by the said act further provided, that notwithstanding any thing therein contained,

* Printed from Sanders, p. 556.

this Court should have full power and authority from time to time, according to the exigency of affairs, to vary, alter, or change, any part of the regulations in the said Orders, or in the said act before contained, and to make such further or other regulations about the premises, as to this Court should seem meet and reasonable, And whereas the legal interest or property, in several Exchequer orders and tallies, belonging to the suitors of this Court, and now in the custody of the Bank of England, continues in the persons to whom they were originally granted, or is vested in their representatives or assignees, The Right Honorable the Lord High Chancellor &c., taking the same into his consideration, and the inconveniencys that may arise in receiving from the Exchequer the annuities due and which shall grow due on such orders and tallys, for want of having the same entered at the Exchequer, and proper indorsements made thereon, that the annuities on such orders are to be paid to the cashiers of the Bank of England, for the use of the said suitors, His Lordship doth hereby order, that the Bank of England do, by their proper officer or officers, send to the Exchequer, all such Exchequer orders, belonging to the suitors of this Court, and now in the Bank, as aforesaid, To the intent, that the proper officer or officers of the Exchequer may make entries in the books kept there, and indorsements on the said orders, that the annuities due, and which shall grow due thereon respectively are to be paid to one of the cashiers of the Bank of England for the time being, to be placed to the credit of the respective causes to which the said Orders do belong, and to no other person or persons whatsoever, without the further order of this Court, And that the like entries and indorsements be made on all such Exchequer orders as shall hereafter be delivered into the Bank on account of any of the suitors of this Court, by virtue or in consequence of any decree or order of this Court. And it is further ordered, that this Order be forthwith published, and set up in all the offices belonging to this Court, concerned in this order, or in the two general Orders of this Court hereinbefore mentioned.

ORDER, that Bank send all Exchequer orders belonging to suitors to the Exchequer.

Officers of Exchequer to enter and indorse same.

FURTHER ORDER. This Order to be published and hung up.

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*ORDER OF THE 28TH OF AUGUST, 1828, AS TO EXCHEQUER ORDERS AND BILLS.

[Referred to at p. 2.]

Whereas the governor and company of the Bank of England have hitherto received the principal and interest due on exchequer

Exchequer bills.

* Printed from Sanders, p. 735.

bills purchased by the Accountant-General of this Court, under orders of this Court, and deposited in the Bank of England with his privity, or have exchanged the same for new bills under a direction from the said Accountant-General given in the particular cause or matter to the account of which such bills are placed, And according to the constant practice of his office the said Accountant-General cannot give such direction to the bank without a request in writing for that purpose from the solicitor for the parties or some or one of them entitled to the benefit of such bills, and the production of the particular order to receive such principal and interest or exchange such bills, And for want of such direction considerable loss has been sustained by reason of the interest on such bills having ceased, Upon consideration of the matter, and to prevent such loss in future, I do order, That when and so often as any Exchequer bill or bills, now or hereafter to be deposited in the Bank of England with the privity of the said Accountant-General, in pursuance of any order of this Court, made in any cause or matter, or of any order of the Lord High Chancellor or of the Vice-Chancellor, made in the matter of any lunacy or bankruptcy, shall be in course of payment, the governor and company of the Bank of England shall from henceforth, without any direction from the Accountant-General, cause all such bills so in course of payment to be delivered to one of the cashiers of the bank, who is to receive the interest due thereon and exchange the same for new bills, in case such new bills are issued, or otherwise to receive the principal money and interest due on such of the said bills so in course of payment as cannot be exchanged, and pay the said interest, or principal and interest (as the case may be), into the bank, and deposit all such new bills in the bank, to be there placed to the credit of the respective causes or matters and accounts (if any) to which the former bills were at the several times of exchanging the same or receiving the principal money and interest due thereon respectively placed. And the said governor and company of the Bank of England are forthwith, after every such exchange and receipt of interest or of principal money and interest, to certify to the said Accountant-General, without any direction from him for that purpose, the numbers, dates, and sums of the Exchequer bills so exchanged or paid off, and the causes and accounts to which they were respectively placed, and also the numbers, dates, and sums of the new bills taken in exchange, and the amount of the interest or principal and interest (as the case may be), received on each bill or set of bills placed to the same cause, matter, or account. And I do further order, That this Order be entered with the registrar of this Court, and copies of it affixed and set up in the offices of the six clerks and registrars of this Court.

Bank may receive interest and exchange same for new bills, or receive principal and interest, without any direction from the Accountant-General;

and Bank to certify the particulars to the Accountant-General.

This Order to be entered.

*Order of the 1st of November, 1841, as to Exchequer Powers of Attorney.

[Referred to at p. 2.]

Abolition of Accountant-General of Exchequer.

Whereas powers of attorney have been granted by divers persons empowering other persons to demand and receive cheques payable by the Accountant-General of the Court of Exchequer. And the office of such Accountant-General has by virtue of the act passed in the fifth year of the reign of her present Majesty, intituled, "An Act to make further Provisions for the Administration of Justice," ceased to exist. I John Singleton, Lord Lyndhurst, the Lord Chancellor, do hereby, pursuant to the said act direct, That the Accountant-General of the Court of Chancery, and the Governor and Company of the Bank of England, be at liberty to act upon or under the several powers of attorney which may have been granted or given according to the practice of the Court of Exchequer, for paying over of any sum or sums of money in the same manner as if such powers had been granted to be acted upon by the Accountant-General of the Court of Chancery, in the form and according to the usage of his office. And all receipts which shall be given by the persons to whom such powers may have been so granted according to the practice of the Court of Exchequer as aforesaid, shall be as good and valid discharges to the Accountant-General of the Court of Chancery, and the Governor and Company of the Bank of England respectively, as they would have been if such powers had been given to be acted upon by the Accountant-General of the Court of Chancery.

[Act of 5 Vict. c. 5.]

Order authorizing the Accountant-General in Chancery and the Bank to act on powers of attorney given in the Exchequer.

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†Order of the 8th of July, 1842, as to Income Tax.

[Referred to at p. 2.]

Income-tax.

Whereas, pursuant to an act of Parliament made in the 12th year of the reign of his Majesty King George the First, intituled, "An Act for better securing the Monies and Effects of the Suitors of this Court, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds," William Russell, Esq., Accountant-General of this Court, did by a certain deed or instrument, under his hand and seal, and bearing date on or about the 11th day of July, 1839, constitute and appoint the cashiers of the Bank of England for the time being, or

[Act of 12 Geo. I. c. 32.]

* Printed from Sanders, p. 889.

† Printed from Sanders, p. 911.

any one of them, his true and lawful attornies or attorney, in his name or otherwise to ask, demand, and receive of and from all and every person or persons, bodies politic or corporate, sole or aggregate, whom it did, should, or might concern, all interest then due, or which should thereafter accrue due on all or any bonds, tallies, or orders, deposited with, or then in the custody of the Bank of England, or which should thereafter be deposited there for the benefit of the suitors of this Court, and also the dividends and interest due, and from time to time to accrue due on all such stocks, annuities, and transferable securities as were then standing in his name, or should thereafter be transferred to him, in trust to attend the orders of this Court, according to the true purport and meaning of the said act of Parliament, And on receipt of the interest and dividends, or any part or parcel thereof, from time to time to give such acquittance or discharge for the same, as cashier or cashiers of the Bank of England. And whereas in pursuance of an act of Parliament made in this, the 5th and 6th years of the reign of her present Majesty, intituled, "An Act for granting to her Majesty, Duties on Profits arising from Property, Professions, Trades and Offices until the 6th of April, 1845," a duty of sevenpence for every twenty shillings of the annual amount thereof was imposed upon the interest and dividends which shall become payable after the 5th day of April, 1842, out of certain public annuities, stocks, and securities in the said last recited act mentioned. And whereas in pursuance of the said last recited act, the said cashiers or cashier of the Bank of England will, under and by virtue of the said recited deed or instrument from the said Accountant-General receive the interest and dividends of certain public annuities, stocks, and securities now standing in the name of the said Accountant-General, or to be hereafter transferred to him, in trust to attend the orders of this Court, after a deduction thereout for every twenty shillings of the annual amount thereof of the sum of sevenpence. His Lordship doth order, That in the execution of the several orders of this Court, now made or hereafter to be made, in which this Court shall have directed or may hereafter direct any annuity or annuities, maintenance, or other annual payments to be paid or made out of the interest or dividends to accrue due from and after the said 5th day of April, 1842, upon such of the several funds now standing and being or hereafter to stand and be in the said Accountant-General's name, in trust for the suitors of this Court, whereon the said cashiers or cashier of the Bank of England shall receive the interest after a deduction of sevenpence for every twenty shillings of the annual amount thereof, in pursuance of the said last recited act, the Accountant-General shall, until the further order of this

[Act of 5 & 6 Vict. c. 35.]

Order that the Accountant-General draw only for amount ordered, *minus* 7*d.* in the pound.

Court, draw only for so much of the sums directed or to be directed by such orders respectively, to be drawn for as shall be the amount of the same, respectively, after deducting the sum of sevenpence for every twenty shillings of the annual amount thereof, the amount of the duty imposed by the said last recited act, Except in cases in which by any order or orders hereafter to be made, the said Accountant-General shall be expressly directed to draw without making any such deduction as aforesaid.

Order of the 27th of July, 1852, as to certain Office Routine.

[Referred to at p. 2.]

That the Copies or Extracts made in or issuing from the Office of the Master of Reports and Entries, and Certificates of no Cause shown, shall be signed by him alone, save that when he shall be prevented from signing the same, by absence or some unavoidable or reasonable ground, the same shall be signed by the Registrar who shall be employed in countersigning as next hereinafter mentioned.

That until further Order, the duty of countersigning the Notes or Cheques drawn by the Accountant-General of the said Court upon the Bank of England shall be discharged as nearly as conveniently may be, during three days in each week, by the Master of Reports and Entries, and during the other three days in each week by some one of the Registrars, in such order and rotation as shall be agreed upon by and between the Registrars and the Master of Reports and Entries, or the Majority of them.

Provided that such Notes or Cheques shall be equally valid and available to all intents and purposes, whether signed by the Master of Reports or by any one of the Registrars.

Order of the 4th of March, 1846, as to the Drainage of Settled Estates.

[Referred to at p. 2.]

Whereas by an Act of Parliament made and passed in the Session of Parliament held in the 8th and 9th years of the reign of Her present Majesty, intituled "An Act to alter and amend an Act passed in the Third and Fourth year of the reign of Her present

Majesty Queen Victoria, intituled 'An Act to enable the owners of settled estates to defray the expenses of draining the same by way of mortgage,'" it was amongst other things enacted, that for simplifying the proceedings under the said Act, and rendering the same inexpensive, it should be lawful for the Lord High Chancellor, with the assistance of the Master of the Rolls, from time to time to make such orders and provisions as he might think proper for the facilitating the mode of application to the Court, and of the proceedings before the Master or otherwise: And whereas The Right Honorable JOHN SINGLETON LORD LYNDHURST, Lord High Chancellor of Great Britain, has, with the assistance of the Right Honorable HENRY LORD LANGDALE, Master of the Rolls, and for the purposes in the said Act mentioned, thought proper to make the following Orders and Provisions. Now, therefore, it is ordered by his Lordship the Lord High Chancellor, with the assistance of his Lordship the Master of the Rolls, That all applications made to this Court pursuant to the said Act, and all proceedings to be had thereunder, shall be made and conducted in the manner directed by the several Orders and Provisions hereinafter set forth; viz.

Petition.

I. Any persons entitled to land within the meaning of the said Act, may present to the Lord Chancellor, or to the Master of the Rolls, a petition in the form hereinafter set forth, with such variations as the nature and circumstances of the case may require.

(*Form of Petition.*)

In the matter of
and
In the matter of the Act (8 & 9 Vict. c. 56), &c.

To the Right Honorable the Lord Chancellor, *or* The Right Honorable The Master of the Rolls.

The humble petition of A. B.

Sheweth,

That the lands hereinafter mentioned, viz. [&c. &c. &c.] are now vested in your Petitioner as tenant for life [*or otherwise in some other character described in the Act*], and that your Petitioner claims to be entitled to make permanent improvements in the said lands, by such means as are in the said Act mentioned, and to cause the expense of making the same to be made a charge on the inheritance of the said lands under the provisions of the said Act.

That the said lands are in the actual occupation of C. D., who hath consented in writing to this application.

Your Petitioner therefore prays, That your Petitioner may be at liberty to make permanent improvements in the said lands, by the means in the said Act mentioned, or some of

such means, and to cause the expense of making such improvements to be made a charge on the inheritance of the said lands under the provisions of the said Act, or that your Lordship will make such other Order in the premises as to your Lordship shall seem meet.

And your Petitioner, &c.

(Signed) A. B.

I hereby consent to this Petition.

(Signed) C. D., occupying tenant of the land sought to be improved.

How marked.

II. The Petitioner, in any such Petition presented to the Lord Chancellor, is to mark the same at or near the top or upper part thereof with the name of one of the Vice-Chancellors.

Order on Petition.

III. The Master of the Rolls, in the case of any such Petition presented to him, and the Vice-Chancellor with whose name any such Petition presented to the Lord Chancellor shall be marked, may, upon consideration of such Petition, and without any attendance of counsel, solicitor, or petitioner thereon, if he shall so think fit, make an Order on such Petition to the effect following, or to such other like effect, with such variations as the nature and circumstances of the case may require.

(*Form of Order.*)

Date

In the matter of, &c.

and

In the matter of the Act (8 & 9 Vict. c. 56), &c.

Upon consideration, &c. of the Petition, &c., it is ordered, that it be referred to the Master in rotation to enquire and state to the Court whether the Petitioner is entitled in possession to the lands in the Petition mentioned, or any and which of them, within the meaning of the said Act of Parliament, and whether the said lands are in the actual occupation of C. D. in the said petition named; and if so, under what title, and whether the said C. D. has consented in writing to the said Petition, and to the improvements proposed to be made under the provisions of the said Act? And if the Master shall find that the Petitioner is so entitled, and that the said C. D. is in such occupation, and has so consented, let the Master further enquire and state to the Court what, if any, other persons or person are or is entitled to, or interested in, the said lands, or any of them, in remainder or reversion, or by way of mortgage, charge, or otherwise; and the Petitioner is to be at liberty to lay before the Master proposals for making permanent improvements in the said lands, by any such means as are in the said

Act mentioned, and to set forth in such proposals the nature and extent of such improvements, and the estimated expense thereof, and the estimated value of the permanent improvements proposed to be made: And the Master is to enquire and state whether such proposed improvements are permanent improvements within the meaning of the said Act; and if so, what will be the expense of making the same, and what will be the value of such permanent improvements? and whether it will be beneficial to all persons interested in the said lands, that such permanent improvements should be made under the provisions of the said Act? And the Master is to require such evidence to be produced before him, and, if he shall think proper, is to cause such surveys of the said lands to be made, as shall appear to him to be necessary to enable him to make a satisfactory Report on the matters hereby referred to him.

Evidence.

IV. The Master to whom the said reference may be made, is to require proof of the deed, will, or other instrument under which the Petitioner claims to be entitled to the land, and of the manner in which the Petitioner claims title under the same, but he is not otherwise to require proof of the title to the land.

Persons to be served.

V. The Master, if he shall think it necessary for the due prosecution of the reference, may direct the Petitioner to serve any other person, interested in the land, with notice of the proceedings; and such person, so served, may afterwards attend such proceedings as a party thereto; but if such person, being so served, shall decline or neglect to attend pursuant to such notice, the Master may proceed in his absence, and he is to state the same in his Report.

Special directions, or special circumstances.

VI. The Master is, during the reference, to be at liberty to apply, by note in writing to the Judge by whom the Order was made, for any special directions, or for leave to state any special circumstances, touching the matters referred to him; and, if he shall receive any such special directions, or such leave, he is to state the same, and his proceeding thereon, in his Report.

Proceedings on the reference.

VII. The proceedings upon the reference are to be conducted according to the general rules and orders of the Court of Chancery, so far as they are consistent with these Orders.

Filing of Report.

VIII. The Master's Report is to be filed in the Report Office.

Petition for review of Report.

IX. Any person interested in the land is, within fourteen days after the filing of the Report, to be at liberty to petition the Lord Chancellor in case the reference was made by him or any Vice-Chancellor, or the Master of the Rolls, in case the reference was made by him, that such Report may be reviewed.

Proceedings thereon.

X. If such petition shall be presented, the Judge by whom the reference was made is to take the same into his consideration; and if he shall so think fit, he may dispose thereof, either by dismissing

the same, or by referring the matter back to the Master with or without special directions.

XI. The Judge considering such Petition that the Master's Report may not be confirmed, may direct any person interested to attend, and may, if he shall think it necessary, but not otherwise, direct the same to be argued by counsel in open Court or otherwise.

XII. If a reference back to the Master is made, the proceedings are to be as on the original reference.

Petition for confirmation of Report, and leave to make improvements.

XIII. If no petition that the Report may be reviewed is presented, the person who has obtained the Report may, after the expiration of fourteen days from the filing of the Report, present a petition for its confirmation, and for leave to make the proposed improvements under the provisions of the Act: and such petition may be in the form hereinafter set forth, with such variations as the nature and circumstances of the case may require.

(*Form of Petition.*)

In the matter of, &c.

and

In the matter of the Act (8 & 9 Vict. c. 56), &c.

To the Right Honorable The Lord Chancellor *or* The Right Honorable The Master of the Rolls.

The humble Petition of, &c.

Sheweth,

That in pursuance of an order made in this matter, bearing date the day of Mr. the Master to whom the said matter was referred, has made his Report, bearing date the day of and for the reasons therein stated has found [*here state the Master's finding*].

That the said Report has been filed in the Report Office of this Court, and that no special application has been made to review the same.

Your Petitioner, therefore, humbly prays your Lordship, That the said Report may be confirmed absolutely, and that your Petitioner may be authorized to make such permanent improvements as are certified in the said Report, under the provisions of the said Act.

Proceedings thereon.

XIV. On the presentation of such last-mentioned Petition, the Judge by whom the reference was made is to consider the same, and is to dispose thereof by confirming the Report and giving the permission asked, or by referring the matter back to the Master, or by dismissing the Petition, or otherwise, as the justice of the case may require.

XV. On the consideration of such last-mentioned Petition the Judge may require the attendance of the persons interested; and,

if he shall think it necessary, but not otherwise, may direct the matter to be argued by counsel in open Court or otherwise.

Order confirming Report, and giving leave to make the improvements.

XVI. The Order confirming the Report may be in the form following, with such, if any, variations, as the nature and circumstances of the case may require.

(*Form of Order.*)

Date

In the matter of

and

In the matter of the Act (8 & 9 Vict. c. 56.), &c.

Whereas did on the day of prefer his Petition to the Right Honorable thereby setting forth, and praying, that he might be at liberty to make permanent improvements in the lands therein mentioned, under the provisions of the said Act; and thereupon his Lordship, on consideration of the matter of the said Petition, did, by his Order, dated the day of refer it to the Master to make the enquiries therein mentioned; and, in pursuance of the said Order, the said Master has made his Report, dated the day of , and the said Report was duly filed in the Report Office, on the day of and no application has been made that the same may not be confirmed: And the said *A. B.* doth now, by his Petition, pray that the same may be confirmed, and that he may be at liberty to make such permanent improvements as are specified in the said Report, under the provisions of the said Act: His Lordship, on consideration of the matter of the said Petition and of the said Master's Report, doth hereby order that the said Report be confirmed, and that the said Petitioner be at liberty to make such permanent improvements in the said lands as are in the said Report mentioned, under the provisions of the said Act.

Certificate by the Master.

XVII. The Master by whom the Report was made may, upon production to him of the order confirming the same and giving leave to make the improvements, deliver to the party who has obtained such order a certificate to the effect and in the form hereinafter stated, with such variations as the nature and circumstances of each case may require.

(*Form of Certificate.*)

Date

In the matter of

and

In the matter of the Act (8 & 9 Vict. c. 56.), &c.

Whereas [*Recite, 1st, the Order of Reference;*
2nd, the Report;
3rd, the Order confirming the Report, and authorizing the improvements to be made;]

Now, therefore, I the said Master, in pursuance of the said Act, do hereby certify, that any person advancing money for making the said permanent improvement specified in my said Report will, upon its being made to appear to me that such money, to the amount specified in my said Report, has been fully expended in making the said improvements, or in paying the expense of obtaining the authority of this Court, become and be entitled to a charge on the inheritance of the land for the repayment of the money advanced, with interest; but such charge is to be subject to the terms and conditions provided by the said Act, and before the same can become effective the amount of money expended as aforesaid is to be stated by me by way of endorsement on this Certificate.

XVIII. Such Certificate is to be made in duplicate, and one copy thereof is to be filed in the Report Office, and the other copy thereof is to be delivered to the party.

Inquiry as to money expended.

XIX. Upon the application of any party to whom such Certificate may have been granted, the Master may enquire what sums of money have been *bonâ fide* and truly expended in making such permanent improvements in the said land as are mentioned and certified to be proper in his said Report, and in defraying such expenses as are in the said Act mentioned, and upon what terms as to interest and repayment by instalments the money was advanced; and the Master, having duly enquired into the matter, and being satisfied by proper evidence, may make an Endorsement on the said Certificate to the effect and in the form hereinafter set forth with such variations as the nature and circumstances of each case may require.

Endorsement on certificate.

(*Form of Endorsement.*)

Whereas it has been alleged before me that the sum of £ being the whole [*or* part] of the sum of £ mentioned in my Report recited in the within Certificate, has been expended in making such improvements and paying such expenses as are therein mentioned. I have, pursuant to the liberty given to me by the said Act, enquired what expenses have been incurred in and about the application to the Court, and making the necessary surveys, valuations, and estimates, and also what sums of money have been actually expended in such improvements; and evidence as to such expenses hath been laid before me, and I have duly considered the same; and I do hereby state and certify that it hath been made to appear to me that the sum of £ hath been fully expended in manner aforesaid in such expenses as aforesaid, and the sum of £ for improvements by drainage, warping, irrigation, or embankment, and the sum of £ for improvements by the erection of buildings: And I do hereby further certify that the

said several sums amount in the whole to the sum of £ and that the same was [*or* were] advanced on, *&c.* [*or at such several times and in the several sums hereinafter set forth; viz. &c.*]; and that such several sums are to be repaid, with interest after the rate of per centum per annum, by such equal annual instalments as are hereinafter mentioned, viz. *&c. &c.*

XX. The Endorsement is to be made in duplicate, and one copy thereof is to be written on the party's Certificate, and delivered to him; the other is to be filed and annexed to the copy of the Certificate filed in the Report Office.

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WILLIAM STEVENS, PRINTER, 37, BELL YARD, LINCOLN'S INN.

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

TUESDAY, 6TH DAY OF MARCH, 1860.

LONDON:
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ORDERS OF COURT,

Tuesday, the 6th day of March, in the 23rd Year of the Reign of her Majesty Queen Victoria, 1860.

THE Right Honorable JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Right Honorable the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, The Right Honorable the Lord Justice Sir GEORGE JAMES TURNER, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and The Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, Order and direct in manner following.

I.

From and after the 15th day of April, 1860, the practice of engrossing answers on parchment shall be discontinued, and a defendant (except as otherwise provided by Order No. 5) is to file his answer, written bookwise upon paper of the same size and description as that on which Bills are printed.

II.

At the time when a defendant files his answer, he is to leave with the Clerks of Records and Writs a fair copy thereof, (without the Schedules, if any, of accounts or documents,) and the Clerks of Records and Writs are to examine and correct such copy with the answer filed, and return it, so examined, with a certificate thereon that it is correct and proper to be printed.

III.

A defendant is then to cause his answer to be printed from such certified copy, on paper of the same size and description, and in the same type, style, and manner on and in which Bills are required to be printed, and before the expiration of four days from the filing of his answer, is to leave a printed copy thereof with the Clerks of Records and Writs, with a written certificate thereon by the defendant's solicitor, or by the defendant if defending in person, that such print is a true copy of the copy of the answer so certified; and if such printed copy shall not be so left, the defendant shall be subject to the same liabilities as if no answer had been filed.

IV.

At any time after the expiration of such four days, the defendant, within forty-eight hours after the same shall have been demanded in writing, is to have ready for delivery to the plaintiff an official and certified printed copy of the answer.

V.

Notwithstanding the preceding Orders, a defendant is to be at liberty to swear to and file a printed answer.

VI.

On receiving from the plaintiff a demand for an official and certified printed copy of the answer, the defendant is to get a printed copy thereof examined by the Clerks of Records and Writs with the answer as filed, and to stamp such copy with a Chancery stamp for 5*s*., and the Clerks of Records and Writs, on finding that such copy is duly stamped and correct, are to certify thereon that the same is a correct copy, and to mark the same as an office copy.

VII.

Such copy is, on demand, to be delivered to the plaintiff, who, on receipt thereof, is to pay to the defendant the amount of the stamp thereon, and at the rate of 4*d*. per folio for the same.

VIII.

The plaintiff is also to be entitled to demand and receive from the defendant any additional number of printed copies of his answer, not exceeding ten, on payment for the same at the rate of one halfpenny per folio.

IX.

After all the defendants who are required to answer shall have filed their answers, a co-defendant is to be entitled to demand and receive from any other defendant any number of printed copies of his answer, not exceeding six, on payment for the same at the rate of one halfpenny per folio.

X.

Office copies of Schedules to answers of accounts or documents, are to be obtained according to the practice now existing for obtaining office copies of answers.

XI.

Where a plaintiff is required to answer interrogatories, he is to file his answer thereto, and to get such answer printed, and to furnish printed copies thereof, in the same manner as a defendant is by these Orders required to do with respect to his answer.

XII.

The Clerks of Records and Writs are not to certify or mark any printed copy of an answer which has any alteration or interlineation in writing.

XIII.

No costs are to be allowed, either as between party and party or as between solicitor and client, for any written brief of an answer, unless the Court shall direct the allowance thereof.

XIV.

Solicitors are to be entitled to charge the fees mentioned in the Schedule hereto.

XV.

These Orders are not to apply to answers filed by defendants or by plaintiffs defending or suing in *formâ pauperis*, except Order I.

XVI.

Written Bills, Pleas, Demurrers, Special Cases, Duplicates of Summonses originating proceedings in Chambers, Records for trial, Interrogatories, Examinations, Traversing Notes, Replications, Supplemental Statements, Exceptions

and Certificates to be filed in the office of the Clerks of Records and Writs, are to be written on paper of the same description and size as that on which Bills are printed.

Affidavits to be filed in the office of the Clerks of Records and Writs, are to be written on foolscap paper bookwise. Depositions of Witnesses are to be written on foolscap paper bookwise or briefwise as the Examiner may think fit. Provided nevertheless, that the Clerks of Records and Writs may receive and file Affidavits and Depositions written otherwise than as here directed, if, in their opinion, the circumstances of the case render such reception and filing desirable or necessary.

XVII.

In these Orders the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction; (that is to say), words importing the singular number include the plural number, and words importing the plural number include the singular number, and words importing the masculine gender include females.

SCHEDULE.

	Lower Scale.	Higher Scale.
For instructions for brief in a suit by Bill on cause coming on for hearing, to be charged on service of notice of motion for a decree, or on service of subpœna to hear judgment . .	1 1 0	2 2 0

	Lower Scale.			Higher Scale.		
The solicitor of the party answering interrogatories, for perusing the interrogatories	0	6	8	0	13	4
If exceeding 40 folios, at per folio .	0	0	0	0	0	4
The solicitor of the party filing an answer, for his attendances on the Record and Writ Clerks, with and for the written and printed copies of the answer, and for certifying .	0	6	8	0	13	4
For examining and correcting the proof, at per folio	0	0	2	0	0	2
For attending the printer with the answer to be printed . . .	0	6	8	0	6	8
For revising the print before swearing, or filing, at per folio . . .	0	0	2	0	0	2

CAMPBELL, C.

JOHN ROMILLY, M. R.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

RICHD. T. KINDERSLEY, V. C.

JOHN STUART, V. C.

W. P. WOOD, V. C.

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By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

TUESDAY, 20TH DAY OF MARCH, 1860.

LONDON:
V. & R. STEVENS & SONS,
(*Late* STEVENS & NORTON,)
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDERS OF COURT,

Tuesday, the 20th day of March, in the 23rd Year of the Reign of her Majesty Queen Victoria, 1860.

THE Right Honorable JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Right Honorable the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, The Right Honorable the Lord Justice Sir GEORGE JAMES TURNER, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and The Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, for the purpose of carrying into effect the provisions contained in the 30th Section of the Statute passed in the Session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty Queen Victoria, numbered as Chapter 35, and intituled "An Act to further amend the Law of Property, and to relieve Trustees," and in pursuance and execution of all powers enabling him in that behalf, Order and direct as follows:

I.

All Petitions, Summonses, Statements, Affidavits, and other written proceedings under the 30th section of the said Act shall be intituled, "In the matter of the said Act, and in the matter of the particular Trust Will or Administration;" and every such Petition and Statement shall be marked in manner directed by the 6th of the Consolidated General Orders, Rule 6; and every such Petition or Statement shall state the facts concisely, and shall be divided into paragraphs, numbered consecutively; and every such summons shall, except as to its title, be in the form of the General Summons in Schedule (K.) No. 1, subjoined to the Consolidated General Orders.

II.

At the time when any such summons is sealed, the statement upon which the same is grounded shall be left at the Chambers of the Judge, and shall, on the conclusion of the proceeding, be transmitted to the Registrar by the Chief Clerk, with the minutes of the opinion, advice, or direction given by the Judge; and the Registrar shall cause such statement to be transmitted to the Report Office, to be there filed.

III.

Every such Petition or Summons shall be served seven clear days before the hearing thereof, unless the person served shall consent to a shorter time.

IV.

The opinion, advice, or direction of the Judge shall be passed and entered, and remain as of record, in the same manner as any Order made by the Court or Judge, and the same shall be termed "a Judicial Opinion," or "Judicial Advice," or "Judicial Direction," as the case may be.

V.

The fees of Court, and the fees and allowances to Solicitors, on proceedings under the 30th section of the said Act, shall be the same as are now payable under the Consolidated General Orders XXXVIII and XXXIX, and by the practice of the Court for business of a similar nature.

CAMPBELL, C.
JOHN ROMILLY, M. R.
J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

2nd cop.

REGULATIONS

OF

The Registrars

OF THE

COURT OF CHANCERY,

RESPECTING THE

TRANSACTION OF BUSINESS IN THEIR OFFICE,

ISSUED 15TH MARCH, 1860.

LONDON:
V. & R. STEVENS AND G. S. NORTON,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

REGULATIONS.

Setting down Causes, Pleas, Demurrers, and other Matters for Hearing.

Generally.

1. Pleas, Demurrers, Exceptions for Insufficiency or Scandal, Motions for a Decree, Original Causes, Special Cases, Causes for further consideration, and Appeals and Rehearings, are to be set down by the Registrar's Clerk at the order of course seat on the same day the order, petition, Record and Writ Clerks' certificate, request, or other document required for that purpose, is produced to or left with him; and he is to retain any such petition, certificate, or request for filing.

Pleas and Demurrers.

Cons. Ord. 21, *rule* 9; *Cons. Ord.* 14, *rules* 14, 15, 17.

2. Pleas and Demurrers filed in Causes attached to the Rolls Court are to be set down upon production of an order drawn up by the Secretary to the Master of the Rolls.

3. Pleas and Demurrers filed in Causes attached to the Courts of the Vice-Chancellors, are to be set down upon

an order to be drawn up by the Registrar on petition of course to the Lord Chancellor, and dated the day the petition is left. The petition, (which does not require any fiat from the Lord Chancellor, nor any stamp,) must state the day when the Plea or Demurrer was filed, and whether it be to the whole or part of the bill, and be subscribed by the solicitor in the form following, that is to say:—

A. B., Plaintiff's (*or*, Defendant's) Solicitor.
1st March, 1860.

4. Pleas and Demurrers are to be set down within the following times (exclusive of vacations) after the same are filed, that is to say:—

Demurrers to whole Bill . . .	12 days.
Demurrers to part of Bill, and pleas to whole or part of Bill . .	3 weeks.

Exceptions for Insufficiency or Scandal.

Cons. Ord. 16, *rule* 10.

5. Exceptions to answers for Insufficiency, or to any pleading or other matter for Scandal, are to be set down upon production of the Record and Writ Clerk's certificate of the filing thereof, endorsed by the solicitor of the party filing the same with a request for that purpose, in the form following, that is to say:—

"I request that the exceptions referred to in this Certificate may be set down for hearing."

A. B, Plaintiff's (*or* Defendant's) Solicitor.
1st March, 1860.

Motions for Decree.

Cons. Ord. 33, *rule* 9; *Cons. Ord.* 37, *rule* 10.

6. Motions for a Decree are to be set down within seven days after the notice is served, upon production of the Record and Writ Clerk's certificate that the Cause is in a fit state to enable the Plaintiff to move for a Decree, endorsed by the Plaintiff's solicitor with a memorandum of the date when the notice was served, and the date when it will expire, and if there be any infant defendant stating that a guardian ad litem has been appointed; or if there be not, stating that there is not, any infant defendant. After the seven days have expired the Motion is not to be set down without the consent in writing of the Defendant's solicitors. The Memorandum may be in the form following, that is to say:—

Notice served —— day of ——
expires —— day of ——
(*i. e.* one lunar month after service).

"A Guardian ad litem has been appointed to the Infant Defendant A. B."

or,

"There is not any Infant Defendant."

C. D., Plaintiff's Solicitor.
1st March, 1860.

Original Causes.

Cons. Ord. 6, *rules* 2 *and* 3.

7. Causes are to be set down for original hearing upon production of the Record and Writ Clerk's certificate that the Cause is in a fit state to be set down for hearing, endorsed by the solicitor of the party setting down the same

with a memorandum stating, if there be any Infant Defendant, that a Guardian ad litem has been appointed; or if there be not, stating that there is not, any Infant Defendant. The Memorandum may be in the form following, that is to say:—

"A Guardian ad litem has been appointed to the Infant Defendant A. B."

or,

"There is not any Infant Defendant."

A. B., Plaintiff's Solicitor.

1st March, 1860.

Special Cases.

Act 13 *and* 14 *Vict. c.* 35, *ss.* 12 *and* 13.

8. If all parties are not *sui juris,* Special Cases are to be set down upon production of an order for leave to set down the same;—or if all parties are sui juris, upon production of the Record and Writ Clerk's certificate, endorsed by the Solicitor with a Memorandum to that effect, in the form following:—

"All parties are sui juris."

A. B., Plaintiff's Solicitor.

1st March, 1860.

Causes for further Consideration.

Cons. Ord. 21, *rule* 10.

9. Causes for further consideration are to be set down, after the expiration of eight days and within fourteen days from the filing of the Chief Clerk's certificate, upon production of the written request of the plaintiff or party having the conduct of the cause; and after the expiration of the fourteen days, upon production of the written request

of the solicitor for the plaintiff or any other party desiring to have the same set down; and in either case upon production of the Decree or Order adjourning further consideration or an office copy thereof, and an office copy of the Chief Clerk's certificate, or a memorandum of the date when such certificate was filed, endorsed on the request by the Clerk of Reports. The request may be in the form following, that is to say:—

"In Chancery.

"A. *v.* B.

"I request that this cause, the further consideration whereof was adjourned by order of the —— day of —— may be set down for further consideration before His Honor the Vice-Chancellor Kindersley.

"C. D.,
"Plaintiff's (*or* Defendant's) Solicitor."
1st March, 1860.

Marking Causes and Motions for Decree "Short."
Cons. Ord. 21, *rule* 10.

10. Causes for original hearing, or further consideration, and Motions for a Decree, may be marked "*Short*," on production of the certificate of the Plaintiff's counsel that the Cause or Motion is fit to be so heard, without the consent of the solicitors for any of the Defendants; but will not be so marked in the case of Causes for original hearing for any day before the day when the subpœna to hear Judgment is returnable; or in the case of Causes for further consideration until after the expiration of ten days; or in the case of Motions for Decree for any day before the day for which the notice of motion is given; unless in either case by consent of all parties.

Appeal Motions.

11. Appeal Motions are to be set down at least two clear days before the day for which the notice is given, upon production of the order appealed from, or an office copy thereof, and a copy of the notice of motion, which is to be filed.

Rehearings and Appeals.

Cons. Ord. 31, *rules* 4 *and* 5.

12. Petitions for a Rehearing before either of the Vice-Chancellors or before the Lord Chancellor or Lords Justices, and Petitions of Appeal are to be set down upon an order to be drawn up by the Registrar pursuant to the fiat of the Lord Chancellor inscribed on the Petition, and upon payment of the usual deposit. Petitions for a rehearing before the Master of the Rolls are to be set down upon an order drawn up by his Secretary, and upon payment of the usual deposit. All Petitions of Appeal or Rehearing are to be marked in the Cause-book as not to be in the paper for hearing before the expiration of six clear days from the day of setting down.

ADJOURNMENT.

Causes Standing Over.

13. Upon production to the Registrar of a request or consent signed by the Solicitors of all parties, at the latest in the forenoon of the day before the day the Cause is to be in the paper, it will be marked as standing over to a day to be named. If all parties do not consent, application should be made to the Court for that purpose at the latest in the forenoon of the day before the day the Cause is to be in

the paper; otherwise, if the Cause be placed in the paper and called on, it may be struck out, and in that case it must be again set down at the bottom of the list.

Petitions Standing Over.

14. Where an unopposed petition is directed to stand over without fixing a day for it to be again put into the paper, the Registrar in attendance in Court, upon the written request of the solicitor, will direct the same to be restored to the paper for the following petition-day.

DOCUMENTS TO BE LEFT ON BESPEAKING DECREES OR ORDERS.

Generally.

15. Any documents or evidence required to be produced to the Court should be left with the Registrar on bespeaking the decree or order.

Whenever any Fund in Court is to be dealt with.

16. The Accountant-General's certificate, and, if the funds are restrained by any order, the restraining order, or an office copy thereof.

Where Payment out of Court is ordered to legal personal representatives.

17. The probate, or letters of administration, stamped for a sufficient amount.

Legacy or Succession Duty.

18. Orders for payment of specified sums to the Receiver-General of Inland Revenue, for Legacy and Succession

Duty, will not be drawn up until the calculation has been examined at the Legacy and Succession Duty Department, and a Certificate obtained of the proper amount payable for duty.

Reference to the Record.

Cons. Ord. 1, *rule* 48.

19. If the decree or order is made in a cause commenced subsequently to the 1st day of Michaelmas Term, 1852, the reference to the record is to be either inscribed or stamped upon some document in the cause, or upon the brief. If the decree or order is made in a cause commenced prior to the 1st of Michaelmas Term, 1852, a memorandum or certificate is to be endorsed and signed by the Solicitor on the brief, in the form following, that is to say,

"I certify that this cause was commenced previously to the 1st day of Michaelmas Term, 1852."

Lower Scale of Fees.

Cons. Ord. 39, *rules* 2 *and* 3—*Regulation* 3—*Art.* 3.

20. If the fees of Court are payable according to the lower scale (except on orders on petition or summons, other than summons originating proceedings in Chambers,) a copy of the certificate for paying the lower scale of Court fees, duly marked by the Clerk of Records and Writs.

In all Cases of Non-appearance.

21. If any party or person served does not appear at the hearing, an affidavit of service on such party or person.

Decrees.

22. Counsel's Brief, and a print of the Bill, with the Reference to the Record marked thereon, and the correct title of the cause, with the names of the guardians of any infant defendants inserted.

In addition to the printed copy of the Bill to be left for the use of the Judge previously to the hearing of all causes and motions for a decree, a printed copy of the Bill is by direction of the Lord Chancellor to be left with the Usher of the Judge for the use of the Registrar in attendance in Court. In case a correct printed copy of the Bill shall have been so left it will not be necessary to leave another printed copy of the Bill on bespeaking the decree.

If any Admissions are to be entered as read.

Cons. Ord. 1, *rule* 44.

23. The original paper of admissions, signed by the parties or their solicitors, to be endorsed by the Registrar.

The admissions when so endorsed, are to be filed in the Report Office before the decree is left to be passed, and a memorandum thereof is to be made on the decree by the Clerk of Reports.

If a Memorandum has been entered of Service of a Copy of the Bill on any Defendant.

24. The Order to enter the memorandum of service with the Record and Writ Clerk's Certificate of the entry thereof, and of no appearance by the defendant so served.

If a Traversing Note has been filed and the defendant does not appear at the Hearing.

25. The Record and Writ Clerk's Certificate that the note has been filed, an affidavit of service of a copy of the note, and of subpœna to hear judgment.

If the Bill has been taken pro Confesso.

26. The Order for the Record and Writ Clerk to attend at the hearing with the Record of the Bill, and any previous orders as to the contempt.

If any Affidavits have been read at the Hearing.

27. The Office Copies of such affidavits, and any exhibits therein referred to.

If any documents have been proved at the Hearing, Vivâ Voce or by Affidavit.

28. The Order authorizing them to be so proved, with the office copies of the affidavits (if any), and the documents proved.

ORDERS ON FURTHER CONSIDERATION.

29. Counsel's brief, the original decree or the last order on further consideration, and any subsequent orders to revive or carry on the proceedings, and the office copy of the Chief Clerk's certificate, and office copies of any affidavits, and any exhibits or other evidence used at the hearing.

If the Order deals with any Purchase Money.

30. A consent brief for the purchaser, or an affidavit of notice to him of the intended application of the purchase money, and that the conveyance has been executed and delivered to him.

ORDERS ON MOTIONS.

31. Counsel's brief, with his endorsement of the Order made; the notice of motion, if any, annexed, and office copies of any affidavits, and any exhibits or other evidence used at the hearing of the motion.

ORDERS ON PETITION.

32. The original petition and Counsel's brief, with his endorsement of the Order made, and any decree, order, or the office copy of any certificate on which the petition is founded, and office copies of any affidavits, and any exhibits or other evidence used at the hearing.

Under the Settled Estates Act.

33. In addition to the documents mentioned in Regulation 32, the newspapers containing the advertisement of the petition, and any interlocutory orders that may have been made relating thereto.

Orders under Acts authorizing Public Works.

Cons. Ord. 34, *rule* 3.

34. Where the Order deals with any money paid into Court by the promoters of any public undertaking to the

credit of such undertaking not standing to any separate account, the Accountant-General's certificate of the payment into Court of the sum sought to be dealt with, and also the Accountant-General's certificate of the fund in Court to the credit of the undertaking; and when the Order directs the carrying over of the money to a separate account, or payment of the same out of Court to any person entitled thereto, an affidavit of the petitioner verifying the petition, and negativing any adverse right or claim, in the terms of the Cons. Ord. 34, rule 3, and any other evidence used at the hearing.

Orders for Winding-up Companies.

35. In addition to the documents mentioned in Regulation 32, the affidavit of the service of the petition, and the London Gazette and newspapers containing the advertisement thereof.

ORDERS VACATING RECEIVERS' RECOGNIZANCES.

36. An office copy of the receiver's recognizance from the office of the Clerk of Enrolments.

FEES AND STAMPS.

37. Where a fee of less than £3 is payable on any decree or order, such fee will be payable by affixed stamps, and the stamp affixed to the decree or order is to be of an amount corresponding as nearly as practicable with the amount of the stamp which it requires, so that no greater number of adhesive stamps may be affixed thereto than is actually necessary; and solicitors are requested not to cancel any adhesive stamps affixed to decrees and orders

drawn up by the Registrars, as such stamps will be cancelled by the Registrar on passing the decree or order.

Decrees or Orders engrossed on Impressed Stamps to be Cancelled if not duly paid for.

38. When a decree or order engrossed on an impressed stamp is not paid for within one calendar month from the day on which such decree or order is engrossed, it will be cancelled, and the stamp recovered as spoiled; and in case the party shall afterwards desire to have the decree or order engrossed, he will be required to pay the stationer's charges for the same.

Note.—Solicitors and their Clerks, on bespeaking or applying respecting Orders made in any ex parte matter, are requested to enquire for the same *by the title thereof as it appeared in the Court Paper.* Decrees and Orders drawn up by the Registrars will when entered be delivered to the Solicitor having the carriage thereof, with his papers, by the Assistant Clerks to the Registrars.

Registrars' Certificates of Sale, Transfer, or Delivery.

39. Every certificate for sale, transfer, or delivery of any stocks, funds, shares, or securities, before being submitted to the Registrar for signature, is to be examined by one of the Registrar's Clerks at the order of course seat, who is to mark the same as examined, and sign his initials at the foot in the left hand margin thereof, thus :—

Ex^{d}. A. B.

Certificates under the Cons. Ord. 1, *rule* 8.

40. The Registrars previously to issuing certificates for the transfer or delivery of stocks, funds, shares, or securities, pursuant to the Cons. Ord. 1, rule 8, will require the following evidence to be produced; and the affidavits of identity may be in the forms given in Cases I., II., and III., according to the circumstances :—

Case I.

If the order direct such transfer or delivery to the legal personal representatives of a deceased person named in the order, but without naming such representatives in the order, and any of such representatives be dead, leaving survivors, or a survivor, the probate or letters of administration of the deceased person named in the order, a certificate of the burial of the deceased representative, or an official extract from the Register of Deaths, of his death, and an affidavit of his identity.

Case II.

If the order direct such transfer or delivery to any persons named in the order as the legal personal representatives

of a deceased person, and any of such representatives be dead, leaving survivors, or a survivor, a certificate of the burial of such deceased representative, or an official extract from the Register of Deaths, of his death, and an affidavit of his identity.

Case III.

If the order direct such transfer or delivery to any person named in the order, or his legal personal representatives, and such person be dead, the probate, or letters of administration, a certificate of the burial of such deceased person, or an official extract from the Register of Deaths, of his death, and an affidavit of his identity. And if any of the legal personal representatives be also dead, leaving survivors or a survivor, the further evidence mentioned in *Case I.*

Form of Affidavit in Case I.

I (*the deponent*), of &c., make oath and say that I was well acquainted with A. B. deceased, and that he was the person to whom the probate of the will (*or*, letters of administration of the effects) of C. D. deceased, the person named in the order dated the —— day of ——, was (*or*, were) granted by Her Majesty's Court of Probate (*or as the case may be*), on the —— day of ——, jointly with E. F. and G. H., which probate (*or*, letters of administration), marked X is (*or*, are) now produced and shown to me; and that the said A. B. is also the person named in the certificate of burial (*or*, official extract from the Register of Deaths), hereunto annexed.

Form of Affidavit in Case II.

I (*the deponent*), of &c., make oath and say, that I was well acquainted with A. B. deceased, the person named in the order dated the —— day of ——, as one of the legal personal representatives of C. D. deceased, and that the said A. B. is also the person named in the certificate of burial (*or*, official extract from the Register of Deaths,) hereunto annexed.

Form of Affidavit in Case III.

I (*the deponent*), of &c., make oath and say, that I was well acquainted with A. B. deceased, the person named in the order dated, &c., and late of &c., (*following description in probate or administration*,) and that probate of the will (*or*, letters of administration of the effects) of the said A. B., was (*or*, were) granted by Her Majesty's Court of Probate (*or as the case may be*), on the —— day of ——, to C. D. and E. F., which probate (*or*, letters of administration) marked X is (*or*, are) now produced and shown to me; and that the said A. B. is also the person named in the certificate of burial (*or*, official extract from the Register of Deaths) hereunto annexed.

Note.—If the person named in the order be dead, and any of his legal personal representatives be also dead, leaving survivors or a survivor, the Forms in Cases III. and I. should be combined and adapted.

An affidavit made by or before an executor or administrator will not be received.

Form of Certificate of Transfer to the Representative of a person named in an order, but since deceased.

To the Accountant-General of the Court of Chancery. } *Short Title.*

Pursuant to an Order dated &c., the 1st of the Consolidated Orders, rule 8, an affidavit of &c., filed the —— day of —— the certificate of the burial of A. B. in the said Order named, and the probate of the Will (*or*, letters of administration of the effects) of the said A. B., granted on the —— day of ——, to E. F. and G. H., by the Court of Probate (*or as the case may be*) £ —— Bank £3 per Cent. Annuities standing, &c., are to be transferred to the said E. F. and G. H.

CECIL MONRO,

SENIOR REGISTRAR.

REGISTRAR'S OFFICE,

15*th March*, 1860.

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By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

THURSDAY, 23RD DAY OF AUGUST, 1860.

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT.

Thursday, the 23rd day of August, in the Twenty-fourth Year of the Reign of Her Majesty Queen Victoria, 1860.

THE Right Honorable JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Right Honorable the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, The Right Honorable the Lord Justice Sir GEORGE JAMES TURNER, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and the Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance of an Act passed in the Session of Parliament holden in the fifteenth and sixteenth years of the reign of Her present Majesty Queen Victoria, intituled, "An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court." And in pursuance and execution of all powers and authorities enabling him in that behalf, Order and direct as follows:—

I.

Richard Richards, Esquire, William Henry Tinney, Esquire, and Joseph Humphry, Esquire, the three remain-

ing Masters in Ordinary of the said Court shall be, and they are hereby released from their duties as such Masters as aforesaid, as from the 23rd day of August, instant.

II.

The matter of the Suitors of the High Court of Chancery, and all causes, matters, and things which stand referred to any of the Masters in Ordinary of the said Court, under any Order made by the Lord Chancellor or the Lords Justices of Appeal for the time being, shall be referred to the Master of the Rolls, and shall be proceeded with and prosecuted before him.

III.

All other causes, matters, and things now depending before the said Masters shall be proceeded with and prosecuted before the respective Judges of the said Court, by whom, or by whose predecessors respectively, the Orders referring such causes, matters, and things to the said Masters were respectively made.

CAMPBELL, C.

JOHN ROMILLY, M. R.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

RICHD. T. KINDERSLEY, V. C.

JOHN STUART, V. C.

W. P. WOOD, V. C.

[6]

C 1

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

FRIDAY, 1ST DAY OF FEBRUARY, 1861.

LONDON:
V. & R. STEVENS & SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT,

AS TO INVESTMENTS,

Friday, the 1st day of February, in the 24th Year of the Reign of Her Majesty Queen Victoria, 1861.

THE Right Honorable JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Right Honorable the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, The Right Honorable the Lord Justice Sir GEORGE JAMES TURNER, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and The Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Stat. 23 & 24 Vict. c. 38, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following.

I.

Investment of Cash under the control of the Court.

Cash under the control of the Court may be invested in Bank Stock, East India Stock, Exchequer Bills, and £2. 10*s*. per Cent. Annuities, and upon mortgage of freehold and copyhold estates respectively in England and Wales; as well as in Consolidated £3 per Cent. Annuities, Reduced £3 per Cent. Annuities, and New £3 per Cent. Annuities.

II.

Service of Petition.

Every petition for the purpose of the conversion of any £3 per Cent. Bank Annuities into any other of the stocks, funds, or securities hereinbefore mentioned, shall be served upon the Trustees, if any, of such Bank £3 per Cent. Annuities, and upon such other persons, if any, as the Court shall think fit.

CAMPBELL, C.
JOHN ROMILLY, M. R.
J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

TUESDAY, 5TH DAY OF FEBRUARY, 1861.

LONDON:
V. & R. STEVENS AND SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

ORDER OF COURT,

ON EVIDENCE,

Tuesday, the 5th day of February, in the 24th Year of the Reign of Her Majesty Queen Victoria, 1861.

THE Right Honorable JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Right Honorable the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, The Right Honorable the Lord Justice Sir GEORGE JAMES TURNER, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and The Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Stat. 15 & 16 Vict., c. 86, and 23 and 24 Vict., c. 128, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

I.

Variation of course prescribed by 15 & 16 Vict. c. 86.

The course of proceeding prescribed by the Stat. 15 and 16 Vict., c. 86, with regard to the mode of examining witnesses, and taking evidence in the Court of Chancery, and the practice of the Court relating thereto, shall be and

hereby are altered in the manner and to the extent prescribed by the following Rules, but not further or otherwise.

II.

Abrogation of certain rules in the Consolidated Orders.

The Rules numbered respectively 3 and 4 of the 18th of the Consolidated General Orders, and the Rules numbered respectively 3, 7, 9 and 13 of the 19th of the same Orders, are hereby abrogated.

III.

Order to take evidence vivâ voce at the hearing.

In any cause in which issue is joined, the plaintiff or any defendant may, at any time within fourteen days after issue joined, apply to the Judge in Chambers, by summons to be served on the opposite party, for an order that the evidence in chief as to any facts or issues (such facts and issues to be distinctly and concisely specified in the summons) may be taken vivâ voce at the hearing of the cause; and the Judge may make an order that the evidence in chief as to such facts and issues or any of them, shall be taken vivâ voce at the hearing accordingly; and the facts and issues as to which any such order shall direct that the evidence in chief shall be taken vivâ voce at the hearing, shall be distinctly and concisely specified in such order; but in case the Judge shall be satisfied that such application is unreasonable, or made for the purpose of delay, oppression, or vexation, he may refuse to make any such order; and where any such order shall have been made, the examination in chief, as well as the cross-examination and re-examination, shall be taken before the Court at the hearing as to the facts and issues specified in such order. And no affidavit or evidence taken before an Examiner shall be admissible at the hearing of any such cause in

respect of any fact or issue which shall be included in any such order as aforesaid.

IV.

Save as aforesaid, and save in the case mentioned in the 11th of these Rules, it shall not be competent to the plaintiff or any defendant to require, by notice or otherwise, that the evidence in chief to be used at the hearing of a cause shall be taken orally. But except as to facts or issues included in any order directing evidence in chief to be taken vivâ voce at the hearing under the 3rd of these Rules, each party in a cause in which issue is joined, shall be at liberty to verify his case either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses ex parte before one of the Examiners of the Court, or before a Special Examiner, in the manner prescribed by the 6th of these Rules.

Evidence as to facts not included in any such order.

V.

The evidence in chief on both sides in any cause in which issue is joined, to be used at the hearing thereof, in respect of facts and issues not included in any order for taking evidence in chief vivâ voce at the hearing under the 3rd of these Rules shall, whether taken by affidavit or before an Examiner (and including the cross-examination and re-examination of any witness or other person under the 10th and 11th of these Rules), be closed within eight weeks after issue joined, unless the time be enlarged by special order.

Closing of evidence to be used at the hearing.

VI.

Except in the cases mentioned in the 10th, 11th, 16th and 17th of these Rules, all examinations taken by the Examiners of the Court, or by any special Examiner, for

Alteration in the mode of taking evidence before an Examiner.

the purpose of being used at the hearing of a cause in which issue is joined shall be taken ex parte, and no person shall have a right to be present at the taking of any such examination except the party producing the witness, his counsel, solicitor and agents; and every examination so taken ex parte shall be deemed to be an affidavit; and the Examiner, before transmitting the same to the Office of the Clerks of Records and Writs to be filed, shall mark the same as taken ex parte, and the Clerks of Records and Writs shall deal with the same as an affidavit.

VII.

Cross-examination before the Court.

Except in the cases mentioned in the 10th, 11th, 16th, and 17th of these Rules, no cross-examination of any deponent or witness, or of any party to be used at the hearing of a cause in which issue is joined, shall be taken otherwise than before the Court at the hearing.

VIII.

Setting down and hearing, where evidence is to be taken vivâ voce

Where any such order as is mentioned in the 3rd of these Rules has been made, the Clerks of Records and Writs, upon giving a certificate that the cause is ready for hearing, shall make, in or upon the certificate, an entry showing that an order for taking evidence in chief vivâ voce at the hearing has been made. And the Registrars in setting down the cause for hearing in the cause-book of the Judge to whose Court the same is attached, shall mark the same so as to indicate that the taking of evidence in chief vivâ voce at the hearing has been ordered; and the same shall not come on to be heard without the special direction of the Court, which may be obtained upon an application to the Court, by either party upon notice, to have a day fixed for the hearing.

IX.

Where any such order, as mentioned in the 3rd of these Rules, has been made, each party shall be at liberty to sue out, at the Record and Writ Clerks' Office, subpœnas ad testificandum and subpœnas duces tecum, to compel the attendance at the hearing of witnesses whom he may desire to produce on any issue or matter of fact included in such order. Such subpœnas may be according to the forms of subpœnas now in use in this Court, with such variations as the circumstances of the case shall require.

Mode of compelling attendance of witnesses.

X.

Notwithstanding any of the preceding Rules, if at any time after issue joined, the parties shall, by writing signed by them or their respective solicitors, and filed at the office of the Clerks of Records and Writs, agree that the oral examination in chief and cross-examination of any witness or witnesses (whether a party, or parties, or not), or the cross-examination of any person or persons who shall have made an affidavit or affidavits, or who shall have been examined ex parte before an Examiner, shall be taken before one of the Examiners of the Court, or a Special Examiner, in manner provided by the Stat. 15 and 16 Vict., c. 86, such examination may be taken accordingly: and in case, by virtue of any such agreement, any witness or person shall be examined in chief before the Examiner or Special Examiner, the cross-examination and re-examination of such witness or person shall be taken before the same Examiner or Special Examiner, or his successor in office; and the cross-examination of every witness so examined in chief shall immediately follow his examination in chief, and the re-examination of every witness or person

Agreement to take evidence under the old practice.

so cross-examined shall immediately follow his cross-examination.

XI.

Examination of witnesses who are old, infirm, etc.

Notwithstanding any of these Rules, the Court, or the Judge in Chambers, may direct that the oral examination and cross-examination of any witness (whether a party or not), or the cross-examination of any person who has been examined ex parte before an Examiner, or made an affidavit shall be taken before an Examiner of the Court or a Special Examiner, in the manner prescribed by the Stat. 15 & 16 Vict., c. 86, as if these Rules had not been made, in case it shall appear to the Judge that owing to the age, infirmity, or absence out of the jurisdiction of such witness or person, or for any other cause which to the Judge shall appear sufficient, it is expedient that such direction should be given. Such direction may be obtained on application to the Court or the Judge in Chambers, on notice.

XII.

Attendance of Examiner in such cases.

In the case of the examination or cross-examination, under the last preceding Rule, of any person in England or Wales, the party requiring such examination or cross-examination may apply to the Court or the Judge in Chambers for an order that one of the Examiners of the Court may attend, for the purpose of such examination or cross-examination, at any place or places in England or Wales to be named in such order.

XIII.

Expenses of Examiner.

The Examiner shall, in respect of expenses incident to the performance of his duty under such order as mentioned

in the last preceding Rule, be entitled to receive, on the production to him of such order, such sums of money as are mentioned in the Schedule hereto. Such sums shall be paid to him by the party obtaining such order; and, subject to any direction of the Court, or of the Judge in Chambers to the contrary, shall be costs in the cause.

XIV.

Upon any appeal, re-hearing by way of appeal, or further proceedings, the Judge's notes of the vivâ voce evidence shall primâ facie be deemed to be a sufficient note thereof. Judge's notes of evidence.

XV.

Evidence taken in a cause subsequently to the hearing, shall continue to be taken according to the provisions of the Stat. 15 & 16 Vict., c. 80, and 15 & 16 Vict., c. 86, subject, however, to any special directions which may be given in any particular case. And all evidence taken at the hearing of any cause may be used in any subsequent proceeding in the same cause. Evidence after the hearing.

XVI.

In suits to perpetuate testimony, evidence shall continue to be taken according to the now existing practice. Evidence in suits to perpetuate testimony.

XVII.

The evidence to be used at the hearing of causes in which issue shall have been joined before the first day of Easter Term, 1861, shall be taken according to the now existing practice. Exception of pending proceedings.

XVIII.

Memorandum to be written at the foot of an affidavit.

No affidavit filed on or after the first day of Easter Term, 1861, shall be used as evidence on any proceeding in any cause or matter unless there be written at the foot thereof, at the time of filing the same, a memorandum stating by whom the same is filed, which memorandum shall be in the form following, or as near thereto as circumstances will admit (that is to say): "This affidavit is filed on the part and behalf of the plaintiffs," (or "of the defendants M. and N.")

XIX.

Notices to produce witness for cross-examination.

Where in any cause or matter a party has filed an affidavit, or where in any cause in which issue has been joined, a party has examined a witness ex parte before the Examiner under the 6th of these Rules, any opposite party desiring to cross-examine the deponent or witness, shall not be obliged to procure the attendance of such deponent or witness for cross-examination either before the Examiner or before the Court; but any such opposite party may serve upon the party by whom such affidavit has been filed or witness examined, or his solicitor, a notice in writing requiring the production of such deponent or witness for cross-examination before the Examiner or before the Court, as the case may be, such notice to be served within such time as hereinafter mentioned, or within such time as in any case the Court or the Judge in Chambers may specially appoint (that is to say): Where such cross-examination is to be taken before the Court at the hearing of a cause in which issue is joined, then at any time before the expiration of fourteen days next after the closing of the evidence; and where such cross-examination is to be taken before the Examiner in a cause in which a notice of motion

for a decree or decretal order has been served, and to be used at the hearing of such motion, then at any time before the expiration of fourteen days next after the end of the time allowed for the plaintiff to file affidavits in reply; and in every other case within fourteen days next after the filing of the affidavit or examination upon which such deponent or witness is to be cross-examined. And unless such deponent or witness be produced accordingly, such affidavit or examination shall not be used as evidence unless by the special leave of the Court. The party producing such deponent or witness shall be entitled to demand the expenses thereof in the first instance from the party requiring such production; but such expenses shall ultimately be borne as the Court shall direct.

XX.

Mode of compelling attendance for cross-examination.

Where any such notice as is mentioned in the 19th of these Rules is given, the party to whom it is given shall be entitled to compel the attendance of the deponent or witness for cross-examination before the Court at the hearing of the cause, or before the Examiner, as the case may be, in the same way as he might compel the attendance of a witness to be examined, if an order had been made for taking evidence vivâ voce at the hearing under the 3rd of these Rules.

XXI.

Hearing, where notice of cross-examination given.

Where any such notice as mentioned in the 19th of these Rules, is given for the production of any deponent or witness, for cross-examination at the hearing of a cause in which issue is joined, either party may, upon notice, apply to the Court, or to the Judge in Chambers, to fix a day for the hearing of the cause.

XXII.

Notice of examination or cross-examination.

Any party in any cause or matter requiring the attendance of any witness, whether a party or not, before the Court, or before one of the Examiners of the Court, or a Special Examiner, for the purpose of being examined, or of being cross-examined, shall give to the opposite party forty-eight hours' notice, at least, of his intention to examine or cross-examine such witness; such notice to contain the name and description of the witness, and the time and place of such examination or cross-examination, unless the Court shall in any case think fit to dispense with such notice.

XXIII.

Each statement in an affidavit to show means of knowledge.

Each statement in an affidavit, which is to be used as evidence at the hearing of a cause or matter, or of a motion for a decree or other motion, or on any other proceeding before the Court, or before the Judge in Chambers, shall show the means of knowledge of the person making such statement.

XXIV.

Consents as to mode of procedure on behalf of persons under disability.

In all causes and matters to which any infant, married woman, person of unsound mind, whether found so by inquisition or not, or person under any other disability, is a party, any consent as to the mode of taking evidence, or of any other procedure, shall, if given with the sanction of the Court or of the Judge in Chambers, by the next friend, guardian, committee, or other person acting on behalf of the person under such disability, have the same force and effect as if such party were under no disability, and had given such consent. Provided that no such consent by

any committee of a lunatic shall be valid as between him and the lunatic unless given with the sanction of the Lord Chancellor or Lord Justices sitting in Lunacy.

XXV.

These Rules shall come into operation on the first day of Easter Term, 1861; and the general interpretation clause in the Consolidated General Orders shall be deemed to extend to the Rules of this Order. Time of operation and construction.

CAMPBELL, C.
JOHN ROMILLY, M.R.
J. L. KNIGHT BRUCE, L.J.
G. J. TURNER, L.J.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.
W. P. WOOD, V.C.

SCHEDULE.

[Referred to in Rule XIII.]

Expenses to be allowed to an Examiner of the Court when acting under any such Order as mentioned in the 12th of the above Rules.

	£	s.	d.
For every day in which he is necessarily, and without any default of his own, detained in the performance of such duty, for his expenses, the sum of	1	1	0
For every mile he travels from the Examiners' Office to the place of examination, and from one of the places of examination or cross-examination (if more than one) to another of them, and from the place where he last acts in such examination or cross-examination to the Examiners' Office, the sum of .	0	1	6

Campbell, C.

John Romilly, M. R.

J. L. Knight Bruce, L. J.

G. J. Turner, L. J.

Richd. T. Kindersley, V. C.

John Stuart, V. C.

W. P. Wood, V. C.

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

SATURDAY, 13TH DAY OF JULY, 1861.

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 27, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT,

Saturday, the 13th day of July, in the 25th Year of the Reign of Her Majesty Queen Victoria, 1861.

THE Right Honorable RICHARD, BARON WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and the Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, Order and direct in manner following:—That in all cases in which a Bill of Complaint shall have been or shall be ordered to be taken pro confesso against any defendant or defendants, such Bill may be read at the hearing from a printed copy thereof, stamped with a proper stamp, by one of the Clerks of Records and Writs, indicating the filing of such Bill of Complaint, and the date of the filing thereof; and, where such Bill shall have been amended, the same may be read from a printed copy thereof, or from a copy thereof partly printed and partly written, stamped with the proper stamp, by one of the Clerks of Records and Writs, indicating the

amendment of such Bill and the date thereof, without the attendance of the Clerk of Records and Writs, as hath hitherto been the practice.

WESTBURY, C.
JOHN ROMILLY, M. R.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

16TH DAY OF AUGUST, 1861.

LONDON:
V. & R. STEVENS & SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

LORD CHANCELLOR.

ORDER OF COURT,

16th day of August, 1861.

I DO ORDER that the Accountant-General of this Court, in acting under Orders hereafter to be made for the payment of Dividends on Bank Stock standing in his name, do, unless the particular Order shall otherwise provide, draw for the whole half-yearly dividend which may from time to time be declared on such stock; and that the said Accountant-General, in acting under Orders heretofore made for the payment of such Dividends, and which Orders have been included in or may hereafter be added to any Schedule to any General Order in that behalf already made, do draw for the whole of such half-yearly Dividend; but that the said Accountant-General, in acting under any Orders heretofore made and not included in or directed to be added to any such Schedule, do until further order draw for three-and-a-half per cent. only of the half-yearly Dividend declared on such Bank Stock.

(Signed) WESTBURY, C.

[10]

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

1ST DAY OF JANUARY, 1862.

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT,

Wednesday, the First day of January, 1862.

THE Right Honorable RICHARD BARON WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Honorable the Vice-Chancellor Sir JOHN STUART, and The Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Statute 15 & 16 Vict. cap. 86, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

Every party in a cause or matter who is desirous of having an oral examination of a witness or witnesses before one of the Examiners of the Court, shall, at the time when he obtains an appointment for the purpose of having such examination taken, deposit with the Clerk of the Examiner the sum of Three pounds, and in case such party shall fail to attend and duly proceed with the examination of his witness or witnesses at the time appointed for the examination, unless prevented by death, illness, or unavoidable accident, the Examiner shall direct the sum so deposited to be paid to the opposite party attending such appointment; and where the appointment shall have been duly attended, or where the examination cannot be proceeded with in

consequence of death, illness, or unavoidable accident, the sum so deposited shall be returned to the party who deposited the same; but in those cases where there is no opposite party, or the opposite party shall fail to attend such appointment, then the respective Clerks of the Examiners shall once in every six months pay into the Bank of England, into the name of the Accountant-General of this Court, to the credit of the Suitors' Fee Fund Account, the sum so deposited and remaining in the hands of such Clerks respectively, in consequence of the appointments not having been duly attended, the amount of the sums so deposited and paid by such Clerks as aforesaid, to be verified by Affidavit.

This Order shall come into operation on the 1st day of February, 1862.

WESTBURY, C.
JOHN ROMILLY, M. R.
JOHN STUART, V. C.
W. P. WOOD, V. C.

c/6

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

SATURDAY, 1ST DAY OF FEBRUARY, 1862.

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT,

Saturday, the 1st day of February, 1862.

THE Right Honorable RICHARD, BARON WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable Sir JOHN ROMILLY, Master of the Rolls, and The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, Doth hereby, in pursuance and execution of the powers given by the Statute 23 and 24 Victoria, Chapter 34, and of all other powers and authorities enabling him in this behalf, order and direct in manner following :—

I.

Upon Her Majesty's Fiat being obtained to any Petition of Right presented in pursuance of the said Act, and intituled in the Court of Chancery, such Petition, with the Fiat thereon, together with a printed copy of such Petition and Fiat (if the Petition is in writing), shall be filed at the Office of the Clerks of Records and Writs.

II.

Every such Petition, or the printed copy thereof, so filed shall be marked with the words "Lord Chancellor" or "Master of the Rolls," and if with the words "Lord Chancellor," then also with the title of the Vice-Chancellor before whom it is intended to be prosecuted.

III.

Every copy of a Petition of Right left at the Office of the Solicitor of the Treasury in pursuance of the said Act, and every copy of a Petition of Right served upon or left at the last, or usual, or last known place of abode of any person under the provisions of that Act shall be a printed copy, sealed with the seal of the Office of the Clerks of Records and Writs, in the same manner as copies of Bills are now sealed. And the leaving or serving of any copy not printed or not sealed with the Office seal shall be of no effect for any of the purposes of the said Act.

IV.

A suppliant in any Petition under the said Act desiring to file interrogatories for the examination of any person or persons who may be required to plead or answer thereto (other than Her Majesty's Attorney-General), shall file such interrogatories at the same time as such Petition. And a copy, examined and marked by the Clerks of Records and Writs, of the interrogatories which any Respondent is required to answer shall be served upon such Respondent, together with the copy of the Petition.

V.

Any person who might be admitted to prosecute a suit in this Court in formâ pauperis may be admitted to prosecute in formâ pauperis a Petition of Right intituled in this Court. And any person who might, if a Defendant to an ordinary suit in this Court, have been admitted to defend in formâ pauperis may be admitted to make his defence in formâ pauperis to any Petition of Right instituted in this Court which he may be required to plead or answer to. But no person shall be admitted to prosecute any Petition in formâ pauperis without a certificate of counsel that he conceives the case to be proper for relief in this Court.

VI.

The same orders and rules shall apply with regard to any person admitted to sue or defend in formâ pauperis under these Orders as are applicable with regard to paupers in suits between subject and subject.

VII.

So far as the same may be applicable, and except in so far as may be inconsistent with the said Act and with the preceding Orders, the General Orders from time to time in force as to proceedings in suits in this Court, and the practice and course of proceeding in this Court in reference to such suits, shall be applicable, and apply and extend to proceedings in this Court in Petitions under the said Act, which are, for the purposes of this Order, to be considered as Bills.

VIII.

The duties which under the said Act and the said Orders may be required to be performed by Officers of this Court, shall be performed by the Officers respectively, who perform duties of a similar nature in suits in this Court between subject and subject. And the fees and allowances payable to all Officers and Solicitors of this Court, in respect of matters under the said Act, shall be such fees and allowances as, by the practice of the Court and the General Orders from time to time in force, they are entitled to take and charge for similar proceedings in cases between subject and subject.

WESTBURY, C.

JOHN ROMILLY, M. R.

RICHD. T. KINDERSLEY, V. C.

c12

By Authority.

GENERAL ORDERS

AND

RULES

OF THE

HIGH COURT OF CHANCERY,

ISSUED BY

THE LORD HIGH CHANCELLOR,

FRIDAY, 16TH DAY OF MAY, 1862.

D

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
WILLIAM STEVENS, PRINTER 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT.

Friday, the 16th day of May, 1862.

THE Right Honorable RICHARD Baron WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and the Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Statute 15th and 16th Victoria, chapter 86, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

I.

All affidavits and depositions which are to be used on the hearing of any cause in which issue shall be joined, or a notice of motion for a decree served after the eighteenth day of June, One thousand eight hundred and sixty-two, shall be printed except as hereinafter mentioned.

II.

Such affidavits and depositions shall be printed under the direction and superintendence of the Clerks of Records and Writs, upon paper of such kind and dimensions and with such type as are prescribed by the General Order for the printing of Bills, and in all other respects in such form and manner as the Clerks of Records and Writs shall deem to be most convenient, and the expense of such printing shall be paid out of the same fund and in like manner as the expense of making office copies is now paid.

III.

Solicitors and parties on filing affidavits hereby required to be printed, are to leave with the Clerks of Records and Writs a fair copy of each affidavit filed, such copy to be written on draft paper, on one side only, and to be certified by the solicitor or party to be a correct copy of the affidavit filed.

IV.

In a cause in which issue is joined, the Clerks of Records and Writs shall, upon the application of any party to the suit, cause such affidavits and depositions (other than depositions taken on the oral cross-examination of witnesses who have made such affidavits) to be printed after the expiration of the time fixed for closing the evidence. And such last mentioned depositions after the expiration of the time allowed for the oral cross-examination of such witnesses.

V.

In a cause in which a notice of motion for a decree is served, the Clerks of Records and Writs shall, upon the application of any party to the suit, cause the affidavits filed on behalf of the plaintiffs, the affidavits filed on behalf of the defendants, and the affidavits of the plaintiffs in reply, to be printed after the times respectively allowed for filing each set of such affidavits, and the depositions taken on the oral cross-examination of the witnesses who have made such affidavits after such depositions shall have been filed.

VI.

Every party who files an affidavit or causes depositions to be taken, is to take from the Clerks of Records and Writs a printed copy of every affidavit filed by him, and of all such depositions, for which he is to pay in stamps at the rate of twopence per folio, and unless such copy is taken, he is not to be allowed anything in the taxation of costs in respect of such affidavit or depositions.

VII.

All parties are to be at liberty to take from the Clerks of Records and Writs as many other printed copies of their own and of their opponents' affidavits and depositions as they may require, on paying for the same in stamps at the rate of one penny per folio.

VIII.

Solicitors are to be allowed, on the taxation of costs, the

same fees for printed copies of the affidavits and depositions used for the Briefs of Counsel as Solicitors are now allowed for written copies; and in country agency causes they are also to be allowed at the rate of fourpence per folio for one other printed copy of the affidavits and depositions of the opposite party, but for all other printed copies which may be necessarily used in the progress of the cause, Solicitors are to be allowed only the sums actually paid for the same.

IX.

Affidavits and depositions which shall have been filed for the purpose of any interlocutory application, and of which office copies shall have been taken for that purpose, are excepted from the operation of this Order.

WESTBURY, C.
JOHN ROMILLY, M. R.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

[13]

By Authority.

GENERAL ORDER

AND

RULES

OF THE

High Court of Chancery,

TO

REGULATE THE MODE OF PROCEEDING

UNDER

THE COMPANIES ACT, 1862.

ISSUED BY

THE LORD HIGH CHANCELLOR.

TUESDAY, 11TH DAY OF NOVEMBER, 1862.

D

LONDON:
STEVENS AND SONS, 26, BELL YARD, LINCOLN'S INN,
Law Booksellers and Publishers.

LONDON:
WILLIAM STEVENS, PRINTER, 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT,

Tuesday, the 11th day of November, 1862.

THE RIGHT HONORABLE RICHARD BARON WESTBURY, Lord High Chancellor of Great Britain, with the advice and consent of the RIGHT HONORABLE SIR JOHN ROMILLY, Master of the Rolls, the HONORABLE the VICE-CHANCELLOR, SIR RICHARD TORIN KINDERSLEY, the HONORABLE the VICE-CHANCELLOR, SIR JOHN STUART, and the HONORABLE the VICE-CHANCELLOR, SIR WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Statute 25th and 26th Victoria, chapter 89, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following :—

PETITION TO WIND-UP COMPANY.

1. Every Petition for the winding-up of any Company by the Court, or subject to the supervision of the Court, shall be intituled in the matter of "The Companies Act, 1862," and of the Company to which such Petition shall relate, describing the Company by its most usual style or firm.

2. Every such Petition shall be advertised seven clear days before the hearing, as follows :—

(1.) In the case of a Company whose Registered Office, or

LONDON:
WILLIAM STEVENS, PRINTER 37, BELL YARD,
LINCOLN'S INN.

ORDER OF COURT.

Friday, the 16th day of May, 1862.

THE Right Honorable RICHARD Baron WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honorable Sir JOHN ROMILLY, Master of the Rolls, The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, The Honorable the Vice-Chancellor Sir JOHN STUART, and the Honorable the Vice-Chancellor Sir WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Statute 15th and 16th Victoria, chapter 86, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

I.

All affidavits and depositions which are to be used on the hearing of any cause in which issue shall be joined, or a notice of motion for a decree served after the eighteenth day of June, One thousand eight hundred and sixty-two, shall be printed except as hereinafter mentioned.

of an Official Liquidator, and for the proof of debts, and for the List of Contributories to be brought in, and directions may be given as to the advertisements to be issued for all or any of such purposes, and generally as to the proceedings and the parties to attend thereon. The proceedings under the Order shall be continued by adjournment, and, when necessary, by further summons, and any such direction as aforesaid may be given, added to, or varied, at any subsequent time, as may be found necessary.

OFFICIAL LIQUIDATOR.

8. The Judge may appoint a person to the office of Official Liquidator, without previous advertisement, or notice to any party, or fix a time and place for the appointment of an Official Liquidator, and may appoint or reject any person nominated at such time and place, and appoint any person not so nominated.

9. When a time and place are fixed for the appointment of an Official Liquidator, such time and place shall be advertised in such manner as the Judge shall direct, so that the first or only advertisement shall be published within fourteen days and not less than seven days before the day so fixed.

10. Every Official Liquidator shall give security by entering into a recognizance with two or more sufficient sureties, in such sum as the Judge may approve; and the Judge may, if he shall think fit, accept the security of any Guarantee Society established by Charter or Act of Parliament in England, in lieu of the security of such sureties as aforesaid, or of any of them.

11. The Official Liquidator shall be appointed by Order; and unless he shall have given security, a time shall be fixed by such Order within which he is to do so; and the Order shall fix the times or periods at which the Official Liquidator is to leave his accounts of his receipts and payments at the Judge's Chambers, and shall direct that all moneys to be received shall be paid into the Bank of England, immediately after the receipt thereof, to the account of the Official Liquidator of the Company, and an account shall be opened there accordingly; and an office copy of the Order shall be lodged at the Bank of England.

12. When an Official Liquidator has given security pursuant to the directions in the Order appointing him, the same shall be certified by the Chief Clerk, as in the case of a Receiver appointed in a Cause, subject to giving security.

13. The Official Liquidator shall, on each occasion of passing his account, and also whensoever the Judge may so require, satisfy the Judge that his sureties are living, and resident in Great Britain, and have not been adjudged bankrupt or become insolvent, and in default thereof he may be required to enter into fresh security within such time as shall be directed.

14. Every appointment of an Official Liquidator shall be advertised, in such manner as the Judge shall direct, immediately after he has been appointed, and has given security.

15. Where it is desired to appoint provisionally an Official Liquidator, an application for that purpose may, at any time

after the presentation of the Petition for winding-up the Company, be made by summons, without advertisement or notice to any person, unless the Judge shall otherwise direct; and such provisional Official Liquidator may, if the Judge shall think fit, be appointed without security.

16. In case of the death, removal or resignation of an Official Liquidator, another shall be appointed in his room, in the same manner as directed in the case of a first appointment, and the proceedings for that purpose may be taken by such party interested as may be authorized by the Judge to take the same.

17. The Official Liquidator shall, with all convenient speed after he is appointed, proceed to make up, continue, complete, and rectify the books of account of the Company; and shall provide and keep such books of account as shall be necessary, or as the Judge may direct, for the purposes aforesaid, and for showing the debts and credits of the Company, including a ledger which shall contain the separate accounts of the Contributories, and in which every Contributory shall be debited from time to time with the amount payable by him in respect of any Call to be made as provided by the said Act and these Rules.

18. The Official Liquidator shall be allowed in his accounts, or otherwise paid, such salary or remuneration as the Judge may from time to time direct, including any necessary employment of Assistants or Clerks by the Official Liquidator, to which regard shall be had; and such salary or remuneration may either be fixed at the time of his appointment, or at any time thereafter, as the Judge may think fit. Every allowance of

such salary or remuneration, unless made at the time of his appointment, or upon passing an account, shall be made upon application for that purpose by the Official Liquidator, on notice to such persons (if any), and supported by such evidence as the Judge shall require; nevertheless, the Judge may from time to time allow any sum he may think fit to the Official Liquidator, on account of the salary or remuneration to be thereafter allowed.

19. The accounts of the Official Liquidator shall be left at the Judge's Chambers at the times directed by the Order appointing him, and at such other times as may from time to time be required by the Judge, and such accounts shall, upon notice to such parties (if any) as the Judge shall direct, be passed and verified in the same manner as Receivers' accounts.

PROOF OF DEBTS.

20. For the purpose of ascertaining the debts and claims due from the Company, and of requiring the Creditors to come in and prove their debts or claims, an advertisement shall be issued at such time as the Judge shall direct; and such advertisement shall fix a time for the Creditors to send their names and addresses, and the particulars of their debts or claims, and the names and addresses of their Solicitors (if any) to the Official Liquidator, and appoint a day for adjudicating thereon.

21. The Creditors need not attend upon the adjudication, nor prove their debts or claims, unless they are required to

do so by notice from the Official Liquidator; but upon such notice being given, they are to come in and prove their debts or claims within a time to be therein specified.

22. The Official Liquidator shall investigate the debts and claims sent in to him, and ascertain, so far as he is able, which of such debts and claims are justly due from the Company; and he shall make out and leave at the Chambers of the Judge, a list of all the debts and claims sent in to him, distinguishing which of the debts and claims, or parts of debts and claims so claimed, are, in his opinion, justly due and proper to be allowed without further evidence, and which of them, in his opinion, ought to be proved by the Creditors; and he shall make and file, prior to the time appointed for adjudication, an affidavit, setting forth which of the debts and claims in his opinion are justly due and proper to be allowed without further evidence, and stating his belief that such debts and claims are justly due and proper to be allowed, and the reasons for such belief.

23. At the time appointed for adjudicating upon the debts and claims, or at any adjournment thereof, the Judge may either allow the debts and claims upon the affidavit of the Official Liquidator, or may require the same, or any of them, to be proved by the claimants, and adjourn the adjudication thereon to a time to be then fixed; and the Official Liquidator shall give notice to the Creditors whose debts or claims have been so allowed, of such allowance.

24. The Official Liquidator shall give notice to the Creditors whose debts or claims have not been allowed upon his affidavit, that they are required to come in and prove the same by a day to be therein named, being not less than four

days after such notice, and to attend at a time to be therein named, being the time appointed by the advertisement, or by adjournment (as the case may be) for adjudicating upon such debts and claims.

25. The value of such debts and claims as are made admissible to proof by the 158th Section of the said Act, shall, so far as is possible, be estimated according to the value thereof at the date of the Order to wind-up the Company.

26. Interest on such debts and claims as shall be allowed shall be computed, as to such of them as carry interest, after the rate they respectively carry; any Creditor whose debt or claim so allowed does not carry interest, shall be entitled to interest, after the rate of £4 per centum per annum, from the date of the Order to wind-up the Company, out of any assets which may remain after satisfying the costs of the winding-up, the debts and claims established, and the interest of such debts and claims as by law carry interest.

27. Such Creditors as come in and prove their debts or claims pursuant to notice from the Official Liquidator, shall be allowed their costs of proof, in the same manner as in the case of debts proved in a Cause.

28. The result of the adjudication upon debts and claims shall be stated in a certificate to be made by the Chief Clerk, and certificates as to any of such debts and claims may be made from time to time. All such certificates shall state whether the debts or claims are allowed or disallowed, and whether allowed as against any particular assets, or in any other qualified or special manner.

LIST OF CONTRIBUTORIES.

29. The Official Liquidator shall, with all convenient speed after his appointment, or at such time as the Judge shall direct, make out and leave at the Chambers of the Judge a list of the Contributories of the Company; and such list shall be verified by the Affidavit of the Official Liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to each such Contributory, and distinguish the several classes of Contributories. And such list may from time to time, by leave of the Judge, be varied or added to, by the Official Liquidator.

30. Upon the list of Contributories being left at the Chambers of the Judge, the Official Liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of such appointment to every person included in such list, and stating in what character, and for what number of Shares, or interest such person is included in the list; and, in case any variation or addition to such list shall at any time be made by the Official Liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

31. The result of the settlement of the list of Contributories shall be stated in a certificate by the Chief Clerk; and certificates may be made from time to time for the purpose of stating the result of such settlement down to any particular

time, or as to any particular person, or stating any variation of the list.

SALES OF PROPERTY.

32. Any real or personal property belonging to the Company may be sold with the approbation of the Judge, in the same manner as in the case of a Sale under a Decree or Order of the Court in a Suit, or, if the Judge shall so direct, by the Official Liquidator; and upon any such Sale by the Official Liquidator, the Conditions or Contracts of Sale shall be settled and approved of by the Judge, unless he shall otherwise direct; and the Judge may, if he thinks fit, direct such Conditions and Contracts, and the abstract of the title to the property, to be submitted to one of the Conveyancing Council of the Court, under the 2nd of the Consolidated General Orders, and may, on any sale by public auction, fix a reserved bidding; and, unless on account of the small amount of the purchase moneys or other cause, it shall, having regard to the amount of the security given by the Official Liquidator, be thought proper that the purchase moneys shall be paid to him, all Conditions and Contracts of Sale shall provide that the purchase moneys shall be paid by the respective purchasers into the Bank of England, to the account of the Official Liquidator of the Company.

CALLS.

33. Every application to the Judge to make any Call on the Contributories or any of them, for any purpose authorised by the said Act, shall be made by Summons, stating the proposed amount of such Call; and such Summons shall be served, four clear days at the least before the day appointed for making the Call, on every Contributory proposed to be

included in such Call; or if the Judge shall so direct, notice of such intended Call may be given by advertisement.

34. When any Order for a Call has been made, a copy thereof shall be forthwith served upon each of the Contributories included in such Call, together with a notice from the Official Liquidator specifying the amount or balance due from such Contributory (having regard to the provisions of the said Act) in respect of such Call; but such Order need not be advertised unless, for any special reason, the Judge shall so direct.

35. At the time of making an Order for a Call, the further proceedings relating thereto shall be adjourned to a time subsequent to the day appointed for the payment thereof, and afterwards from time to time so long as may be necessary; and at the time appointed by any such adjournment, or upon a summons to enforce payment of the Call, duly served, and upon proof of the service of the Order and notice of the amount due, and non-payment, an Order may be made for such of the Contributories who have made default, or of such of them against whom it shall be thought proper to make such Order, to pay the sum which by such former Order and notice they were respectively required to pay, or any less sum which may appear to be due from them respectively.

PAYMENT IN OF MONEYS AND DEPOSIT OF SECURITIES.

36. If any Official Liquidator shall not pay all the moneys received by him into the Bank of England, to the account of the Official Liquidator of the Company, within seven days next after the receipt thereof, unless the Judge shall have otherwise directed, such Official Liquidator shall be charged

in his account with ten shillings for every £100, and a proportionate sum for any larger amount, retained in his hands beyond such period, for every seven days during which the same shall have been so retained, and the Judge may, for any such retention, disallow the salary or remuneration of such Official Liquidator.

37. All bills, notes, and other securities payable to the Company or to the Official Liquidator thereof shall, as soon as they shall come to the hands of such Official Liquidator, be deposited by him in the Bank of England for the purpose of being presented by the Bank for acceptance and payment, or for payment only, as the case may be.

38. All Orders for payment of Calls, balances, or other moneys due from any Contributory or other person, shall direct the same to be paid into the Bank of England, to the account of the Official Liquidator of the Company, unless, on account of the smallness of the amount or other cause, it shall, having regard to the amount of the security given by the Official Liquidator, be thought proper to direct payment thereof to the Official Liquidator. Provided that where any such Order has been made directing payment of a specific sum into the Bank of England, in case it shall be thought proper for the purpose of enabling the Official Liquidator to issue execution or take other proceedings to enforce the payment thereof, or for any other reason, an Order may, either before service of such former Order, or after the time thereby fixed for payment, be made, without notice, for payment of the same sum to the Official Liquidator.

39. At the time of the service of any Order for payment into

the Bank of England, the Official Liquidator shall give to the party served a notice, to the purport or effect set forth in Form No. 40 in the third Schedule hereto, for the purpose of informing him how the payment is to be made; and before the time fixed for such payment, the Official Liquidator shall furnish the Cashier of the Bank of England with a certificate, to the purport or effect set forth in Form No. 41 in the third Schedule hereto, to be signed by such Cashier, and delivered to the party paying in the money therein-mentioned.

40. For the purpose of enforcing any Order for payment of money into the Bank of England an affidavit of the Official Liquidator, to the purport or effect set forth in Form No. 43 in the third Schedule hereto, shall be sufficient evidence of the non-payment thereof.

41. All moneys, bills, notes, and other securities paid and delivered into the Bank of England, shall be placed to the credit of the account of the Official Liquidator of the Company; and Orders for any such payment and delivery shall direct the same accordingly.

DELIVERY OUT OF SECURITIES, AND PAYMENT OUT AND INVESTMENT OF MONEYS.

42. All bills, notes, and other securities delivered into the Bank of England, shall be delivered out upon a request signed by the Official Liquidator, and countersigned by the Chief Clerk of the Judge; and moneys placed to the account of the Official Liquidator shall be paid out upon Cheques or Orders, signed by the Official Liquidator, and countersigned by the Chief Clerk of the Judge.

43. All or any part of the money for the time being standing to the credit of the account of the Official Liquidator at the Bank of England, and not immediately required for the purposes of the winding-up, may be invested in the purchase of Bank £3 per Cent. Annuities, Reduced £3 per Cent. Annuities, New £3 per Cent. Annuities, or New £2. 10*s*. per Cent. Annuities, in the name of the Official Liquidator, or in the purchase of exchequer bills. All such investments shall be made by the Bank of England, upon a request signed by the Official Liquidator, and countersigned by the Chief Clerk of the Judge, and which request shall be a sufficient authority for debiting the account with the purchase money; and such exchequer bills, and in case of an exchange thereof any new exchequer bills, shall be retained by or deposited with the Bank of England, in the name and on behalf of the Official Liquidator; and such annuities or exchequer bills shall not afterwards be sold or transferred or otherwise dealt with except upon a direction for that purpose, signed by the Official Liquidator, and countersigned by the Chief Clerk of the Judge, or under an Order to be made by the Judge.

44. All dividends and interest to accrue due upon any such annuities, shall from time to time be received by the Bank of England, under a power of attorney to be executed by the Official Liquidator, and placed to the credit of the account of such Official Liquidator; and such of the exchequer bills as shall from time to time be in course of payment, shall be delivered by the Bank of England to one of their cashiers, who is to receive the interest due thereon, and exchange the same for new bills, in case such new bills are issued, or otherwise to receive the principal and interest due on such of the said bills, so in course of payment, as cannot be exchanged, and pay the said interest, or principal and interest, as the case

may be, into the Bank of England to the credit of the account of the Official Liquidator of the Company.

MEETINGS OF CREDITORS OR CONTRIBUTORIES.

45. When the Judge shall direct a meeting of the Creditors or Contributories of the Company to be summoned under the 91st or 149th Section of the said Act, the Official Liquidator shall give notice in writing seven clear days before the day appointed for such meeting, to every Creditor or Contributory, of the time and place appointed for such meeting, and of the matter upon which the Judge desires to ascertain the wishes of the Creditors or Contributories; or, if the Judge shall so direct, such notice may be given by advertisement, in which case the object of the meeting need not be stated, and it shall not be necessary to insert such advertisement in the "London Gazette."

46. The votes of the Creditors or Contributories of the Company at any Meeting summoned by the direction of the Judge, may be given either personally or by proxy; but no Creditor shall appoint a proxy who is not a creditor of the Company whose debt or claim has been allowed, and no Contributory shall appoint a proxy who is not a Contributory of the Company.

47. The direction of the Judge for any Meeting of Creditors or Contributories under the 91st or 149th Section of the said Act, and the appointment of a person to act as Chairman of any such Meeting, shall be testified by a memorandum signed by the Chief Clerk of the Judge.

DIRECTION OR SANCTION OF THE JUDGE.

48. The sanction of the Judge to the drawing, accepting, making, and endorsing of any bill of exchange or promissory note by any Official Liquidator, shall be testified by a memorandum on such bill of exchange or promissory note, signed by the Chief Clerk of the Judge.

49. Every application for the sanction of the Judge to a compromise with any Contributory or other person indebted to the Company, shall be supported by the affidavit of the Official Liquidator that he has investigated the affairs of such Contributory or person, and stating his belief that the proposed compromise will be beneficial to the Company, and his reasons for such belief; and the sanction of the Judge thereto shall be testified by a memorandum, signed by the Chief Clerk of the Judge, on the agreement of compromise, unless any party shall desire to appeal from the decision of the Judge, in which case an Order shall be drawn up for that purpose.

50. The direction or sanction of the Judge for any other proceeding or act to be taken or done by the Official Liquidator, shall be obtained upon summons, and an Order shall be drawn up thereon, unless the Judge shall otherwise direct.

APPLICATIONS TO THE COURT OR JUDGE UNDER SS. 137, 138, 141, 167, AND 168, OF THE ACT.

51. Every application under the 137th, 138th or 141st Section of the said Act shall be made by petition or motion, or, if the Judge shall so direct, by summons at Chambers; and

every application under the 167th or 168th Section of the said Act shall be made by petition.

ORDERS.

52. All Orders made in Chambers shall be drawn up in Chambers, unless specially directed to be drawn up by the Registrar, and shall be entered in the same manner, and in the same office, as other Orders made in Chambers.

ADVERTISEMENTS.

53. When an Advertisement is required for any purpose, except where otherwise directed by these Rules, the Advertisement shall be inserted once in the "London Gazette," and in such other newspaper or newspapers, and for such number of times as may be directed. The Judge may, in such cases as he shall think fit, dispense with any advertisement required by these Rules.

ADMISSION OF DOCUMENTS.

54. Any party to any proceeding in Court or Chambers relating to the winding-up of a company may, by notice in writing in the Form No. 6, in Schedule N. to the Consolidated General Orders, or to the like effect, call on any other party thereto competent to admit the same, to admit any document saving all just exceptions; and in case of refusal or neglect so to admit, the costs of proving such document shall be paid by the party so refusing or neglecting, unless the Judge shall be of opinion that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice shall have been given, except in cases where the omission to give such notice has been, in the opinion of the Taxing Master, a saving of expense.

AFFIDAVITS.

55. Where an Order shall have been made for the winding-up of any Company, any person intending to use any Affidavit in any proceeding under such Order, shall file the same in the Record and Writ Clerks' Office, and give notice thereof to the Official Liquidator. The person, other than the Official Liquidator, filing the Affidavit shall not be required to take an office copy thereof, but an office copy thereof shall be taken by the Official Liquidator, and he shall produce the same at the hearing of any application or proceeding upon which it is intended to be used, unless the Judge shall otherwise direct.

CERTIFICATE OF CHIEF CLERK.

56. The 48th, 49th, 50th, 51st, 52nd and 55th rules of the 35th of the Consolidated General Orders, shall apply to all certificates of the Chief Clerk in the matter of the winding-up of any Company; nevertheless, certificates on passing the Official Liquidator's accounts may be approved and signed by the Judge without delay, and upon being so signed, shall be filed and forthwith acted upon.

REGISTER AND FILE OF PROCEEDINGS.

57. A Register shall be kept of all proceedings in the Judge's Chambers, in each matter, in the same manner as required by the 57th Rule of the 35th of the Consolidated General Orders, and no documents or proceedings are to be filed in the Judge's Chambers, unless the Judge shall otherwise direct.

58. All orders, exhibits, admissions, memorandums, and office copies of affidavits, examinations, depositions, and certificates, and all other documents relating to the winding-up of any Company, shall be filed by the Official Liquidator, as far as may be, in one continuous file, and such file shall be kept by him or otherwise, as the Judge may from time to time direct. Every Contributory of the Company, and every Creditor thereof whose debt or claim has been allowed, shall be entitled, at all reasonable times, to inspect such file free of charge, and, at his own expense, to take copies or extracts from any of the documents comprised therein, or to be furnished with such copies or extracts at a rate not exceeding three half-pence per folio of seventy-two words; and such file shall be produced in Court, or before the Judge, and otherwise, as occasion may require.

PROVISIONAL OFFICIAL LIQUIDATORS.

59. All the above Rules relating to Official Liquidators, shall, so far as the same are applicable, and subject to the directions of the Judge in each case, apply to Provisional Official Liquidators.

ATTENDANCE AND APPEARANCE OF PARTIES.

60. Every person, for the time being, on the list of Contributories of the Company, left at the Chambers of the Judge by the Official Liquidator, and every person having a debt or claim against the Company, allowed by the Judge, shall be at liberty, at his own expense, to attend the proceedings before the Judge, and shall be entitled, upon payment of the costs occasioned thereby, to have notice of all such proceedings as he shall by written request desire to have

notice of; but if the Judge shall be of opinion that the attendance of any such person upon any proceeding has occasioned any additional costs which ought not to be borne by the funds of the Company, he may direct such costs, or a gross sum in lieu thereof, to be paid by such person; and such person shall not be entitled to attend any further proceedings until he has paid the same.

61. The Judge may from time to time appoint any one or more of the Contributories, or Creditors, as he thinks fit, to represent before him, at the expense of the Company, all or any class of the Contributories or Creditors, upon any question as to a compromise with any of the Contributories or Creditors, or in and about any other proceedings before him relating to the winding-up of the Company, and may remove the person or persons so appointed. In case more than one person shall be so appointed, they shall unite in employing the same Solicitor to represent them.

62. No Contributory or Creditor shall be entitled to attend any proceedings at the Chambers of the Judge, unless and until he has entered in a book to be kept there for that purpose his name and address, and the name and address of his solicitor (if any), and upon any change of his address or of his solicitor, his new address, and the name and address of his new solicitor.

SERVICES OF SUMMONSES, NOTICES, &c.

63. Services upon Contributories and Creditors shall be effected (except when personal service is required) by sending the notice, or a copy of the summons or order or other proceeding, through the post in a pre-paid letter, addressed to the solicitor of the party to be served (if any) or otherwise to

the party himself at the address entered or last entered pursuant to the preceding Rule; or if no such entry has been made, then, if a Contributory, to his last known address or place of abode; and if a Creditor, to the address given by him, pursuant to the foregoing Rule 20; and such notice, or copy summons, order, or other proceeding, shall be considered as served at the time the same ought to be delivered in the due course of delivery by the post-office, and notwithstanding the same may be returned by the post-office.

64. No service under these Rules shall be deemed invalid by reason that the Christian name, or any of the Christian names of the person on whom service is sought to be made, has been omitted, or designated by initial letters, in the List of Contributories, or in the summons, order, notice, or other document wherein the name of such Contributory or Creditor is contained, provided the Judge is satisfied that such service is in other respects sufficient.

TERMINATION OF WINDING-UP.

65. Upon the termination of the proceedings in Chambers for the winding-up of any Company, a balance-sheet shall be brought in by the Official Liquidator of his receipts and payments, and verified by his affidavit; and the Official Liquidator shall pass his final account, and the balance (if any) due thereon shall be certified. And upon payment of such balance, in such manner as the Court or Judge shall direct, the recognisance entered into by the Official Liquidator and his sureties may be vacated.

66. When the Official Liquidator has passed his final account, and the balance (if any) certified to be due thereon

has been paid in such manner as the Judge shall direct, a Certificate shall be made by the Chief Clerk, that the affairs of the Company have been completely wound-up; and in case the Company has not been already dissolved, the Official Liquidator shall, immediately after such Certificate has become binding, apply to the Judge for an Order that the Company be dissolved from the date of such Order.

67. When the proceedings for winding-up any Company have been completed, the file of proceedings, and the book containing the Official Liquidator's account, shall be deposited in the Record and Writ Clerks' Office.

DUTIES OF SOLICITOR OF OFFICIAL LIQUIDATOR.

68. The solicitor of the Official Liquidator shall conduct all such proceedings as are ordinarily conducted by solicitors of the Court; and where the attendance of his solicitor is required on any proceeding in Court or Chambers, the Official Liquidator need not attend in person, except in cases where his presence is necessary in addition to that of his solicitor, or the Judge shall direct him to attend.

FORMS.

69. The forms set forth or referred to in the third Schedule to these Orders, with such variations as the circumstances of each case may require, may be used for the respective purposes mentioned in such Schedule.

FEES.

70. Solicitors shall be entitled to charge, and be allowed the fees set forth and referred to in the first Schedule hereto, unless the Court or Judge shall otherwise specially direct.

71. The fees of Court set forth and referred to in the second Schedule hereto, shall be paid in relation to proceedings in the Court of Chancery under the Companies Act, 1862, and shall be collected by means of stamps, in the manner prescribed by the 39th of the Consolidated General Orders.

TAXATION OF COSTS.

72. Where an Order is made in Court or Chambers for payment of any costs, the Order shall direct the taxation thereof by the Taxing Master; except in cases where a gross sum in lieu of taxed costs is fixed by the Order, in accordance with the 37th Rule of the 40th of the Consolidated General Orders.

POWER OF JUDGE.

73. The power of the Court, and of the Judge sitting in Chambers, to enlarge or abridge the time for doing any act, or taking any proceeding, to adjourn, or review any proceeding and to give any direction as to the course of proceeding, is unaffected by these Rules.

GENERAL DIRECTIONS.

74. The general practice of the Court, including the course of proceeding and practice at the Judges' Chambers, as provided by the Statute 15th and 16th Victoria, Chapter 80, and the General Orders of the Court relative thereto, shall, in cases not provided for by the Companies Act, 1862, or these Rules, and so far as the same are applicable, and not inconsistent with the said Act, or these Rules, apply to all proceedings for winding-up a Company.

APPLICATION OF RULES.

75. These Rules apply only to proceedings under the Companies Act, 1862.

COMMENCEMENT OF RULES.

76. These Rules shall take effect and come into operation on and after the 25th day of November, 1862.

INTERPRETATION.

77. The 1st Rule of the 23rd of the Consolidated General Orders, and the General Interpretation Clause therein, shall be deemed to extend and apply to the Rules of this Order; and such Rules shall have the effect of, and be deemed to be General Orders of the Court.

WESTBURY, C.
JOHN ROMILLY, M. R.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

THE FIRST SCHEDULE.

FEES AND CHARGES TO BE ALLOWED TO SOLICITORS.

For preparing and drawing up every Order made at Chambers, and attending for same, and at the Registrars' Office to get same entered . .	0	13	4
For ingrossing every Order, in addition to the above fee, per folio	0	0	4

For other duties performed, such of the fees on the higher scale authorized by the 2nd Rule of the 38th of the Consolidated General Orders, and the Regulations as to solicitors' fees subjoined thereto, as are applicable; except that the special fee allowed on Creditors' Claims is not to apply.

Where under such Regulations a fee of 3 guineas may be allowed for attending any Summons or other appointment at the Judge's Chambers, the same may be increased to any sum not exceeding 5 guineas.

The fee of 2*s*. 6*d*. allowed by such Regulations for notices and services, shall be reduced to 1*s*. 6*d*., where the service may be effected as provided by the above Rule 63.

The usual charges relating to printing, shall be allowed in lieu of copies for service where the fee for copies would exceed the charges for printing, and amount to more than £3.

THE SECOND SCHEDULE.

FEES TO BE COLLECTED BY MEANS OF STAMPS.

In the Judges' Chambers.

For every Summons	0	3	0
For every Order drawn up by the Chief Clerk .	0	5	0
For every Advertisement	1	0	0
For every Certificate	0	5	0
For every Oath, Affirmation, Declaration, or Attestation upon Honour	0	1	6

In the Registrars' Office.

For every Order made in Court	1	0	0
For every Order made in Chambers	0	5	0
For every Office Copy of an Order	0	5	0

In the Examiners' Office.

The same Fees as those directed to be paid and collected in such Office by the 2nd Rule of the 39th of the Consolidated General Orders, and the Regulations subjoined thereto.

In the Record and Writ Clerks' Office, and Report Office.

Such of the Fees directed to be paid and collected in such Office by the 2nd Rule of the 39th of the Consolidated General Orders, and the Regulations subjoined thereto, as are applicable.

In the Taxing Masters' Office.

The same Fees as those directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated General Orders, and the Regulations subjoined thereto.

In the Office of the Lord Chancellor's Principal Secretary.

For every Petition	1	0	0

In the Office of the Secretary at the Rolls.

For every Petition	1	0	0

THE THIRD SCHEDULE.

FORMS.

No. 1. *Advertisement of Petition.* [Rule 2.]

In the matter of the Companies Act, 1862; and of the Company.

Notice is hereby given, that a Petition for the winding-up of the above-named Company by the Court [*or*, subject to the supervision of the Court] of Chancery was, on the day of , 186 , presented to the Lord Chancellor [*or*, the Master of the Rolls] by the said Company, [*or*, by A. B., of , a Creditor [*or*, Contributory] of the said Company, [*or*, *as the case may be*]. And that the said Petition is directed to be heard before the Vice-Chancellor [*or*, Master of the Rolls] on the day of , 186 ; and any Creditor or Contributory of the said Company desirous to oppose the making of an Order for the winding-up of the said Company under the above Act, should appear at the time of hearing, by himself or his counsel for that purpose; and a copy of the Petition will be furnished to any Creditor or Contributory of the said Company requiring the same, by the undersigned, on payment of the regulated charge for the same.

C. and D., of &c., [Agents for E. and F., of &c.]
Solicitors for the Petitioner.

No. 2. *Affidavit verifying Petition.* [Rule 4.]

In Chancery.

In the Matter, &c.

I, A. B., of &c., make oath and say, that such of the Statements in the Petition now produced and shown to me, and marked with the letter A., as relate to my own acts and deeds are true, and such of the said Statements as relate to the acts and deeds of any other person or persons, I believe to be true.

Sworn, &c.,

No. 3. *Order for winding-up by the Court.* [25 & 26 Vict. c. 89, ss. 81, 82.]

The Master of the Rolls [*or*, Vice-Chancellor]. } day, the day of 186 . In the Matter, &c.

Upon the Petition of the above-named Company [*or*, A. B., of &c., a Creditor [*or*, Contributory] of the above-named Company on the day of 186 , preferred unto the Right Honorable the Lord High Chancellor of Great Britain [*or*, Master of the Rolls], and upon hearing Counsel for the Petitioner, and for , and upon reading the said Petition, an Affidavit of (the said Petitioner) filed, &c., verifying the said Petition, an Affidavit of L.M., filed the day of 186 , the "London Gazette" of the day of , the "Times" newspaper of the day of , [*enter any other papers*] each containing an advertisement of the said Petition [*enter any other evidence*], His Honor [*or*, this Court] doth order, that the said Company be wound-up by this Court, under the provisions of the Companies Act, 1862.

No. 4. *Order for Winding-up, subject to Supervision.* [25 & 26 Vict. c. 89, ss. 147, 148.]

The Master of the Rolls [*or*, Vice-Chancellor]. } day, the day of 186 . In the Matter, &c.

Upon the Petition &c. His Honor, [*or*, This Court] doth Order, that the voluntary winding-up of the said
Company be continued, but subject to the supervision of this Court; And any of the proceedings under the said voluntary winding-up may be adopted as the Judge shall think fit. And the Creditors, Contributories, and Liquidators of the said Company, and all other persons interested, are to be at liberty to apply to the Judge at Chambers as there may be occasion.

No. 5. *Advertisement of Order to Wind-up.* [Rule 6.]

In the Matter, &c.

By an Order made by the Master of the Rolls [*or*, the Vice-Chancellor] in the above matter, dated the day of , 186 , on the Petition of the above-named Company [*or* A. B., of], It was ordered that, &c. [*as in Order*].

C. & D., of &c.
Solicitors for the said
Petitioner.

No. 6. *Advertisement of Time and Place fixed for the Appointment of Official Liquidator.* [Rule 9.]

In the Matter, &c.

Notice is hereby given, that the Master of the Rolls [*or*, the Vice-Chancellor] has fixed the day of 186 , at o'clock in the

noon, at his Chambers in the Rolls Yard, Chancery Lane [*or*, at No. Lincoln's Inn], in the County of Middlesex, as the time and place for the appointment of an Official Liquidator of the above-named Company.

G. H.,
Chief Clerk.

No. 7. *Proposal for Appointment of Official Liquidator (and Sureties) where Form No. 6 has been issued.*

In the Matter, &c.

We, the undersigned Contributories of the above-named Company for the number of Shares placed opposite our respective names, hereby propose Mr. W. T., of &c., public accountant, to be the Official Liquidator of the said Company [and H. N., of &c., and J. P., of &c., to be his Sureties].

Name.	Address.	Number of Shares held

No. 8. *Order appointing an Official Liquidator.* [Rules 10, 11.]

Master of the Rolls [*or*, Vice-Chancellor] at Chambers . . . . , the day of , 186 .
In the Matter, &c.

Upon the application, &c., and upon reading, &c., The Judge Doth hereby appoint R. P. H., of &c., Official Liquidator of the above-named Company. [*If security has not been given, add,* And it is ordered that the said R. P. H. do, on or before the

day o next, give security to be approved of by the Judge.] And it is ordered that the said R. P. H. do, on the day of , and day of 186 , and the same days in each succeeding year, leave his accounts at the Chambers of the said Judge. And it is Ordered that all moneys to be received by the said R. P. H. be paid by him into the Bank of England to the credit of the account of the Official Liquidator of the said Company, within seven days after the receipt thereof. [*In case two or more Official Liquidators are appointed add,* And the said Judge doth declare that the following acts, required or authorised by the above Statute to be done by the Official Liquidator, may be done by either [*or*, any one, *or*, two] of the Official Liquidators hereby appointed, that is to say, [*describe the acts*]; and that all other acts so required or authorised to be done be done by both [*or*, all] the Official Liquidators hereby appointed.]

No. 9. *Order appointing a Provisional Official Liquidator.*
[Rules 10, 11, 15, 59.]

Master of the Rolls [*or*, Vice-Chancellor] , the day of , 186 .
at Chambers. In the Matter, &c.

Upon the application, &c., and upon reading, &c., The Judge doth hereby appoint R. P. H., of &c., provisionally, Official Liquidator of the above-named Company [*If security dispensed with add,* without security; *or, if security is to be given, add directions as to security, accounts, and payment into the Bank, as in Form No.* 8]. And the said Judge doth hereby limit and restrict the powers of the said R. P. H., as such provisional Official Liquidator, to the following acts, that is to say, [*Describe the acts which the provisional Official Liquidator is to be authorised to do.*]

No. 10. *Recognizance of the Official Liquidator and Sureties.*
[Rule 10.]

186 . In the Matter, &c.
The Master of the Rolls [*or*, Vice-Chancellor] has approved of and allowed this recognizance.
G. H.,
Chief Clerk.

R. P. H., of &c., W. B., of, &c., and T. P., of &c., before our Sovereign Lady the Queen in her High Court of Chancery personally appearing, do acknowledge themselves, and every of them doth acknowledge himself, to owe to the Right Honorable Sir John Romilly, Knight, the Master of the Rolls, and the Honorable Sir Richard Torin Kindersley, Knight, the Senior Vice-Chancellor of the said Court, the respective sums of lawful money of Great Britain set opposite to their respective names in the Schedule hereto, to be paid to the said Sir John Romilly and Sir Richard Torin Kindersley, or one of them, or the executors or administrators of them, or one of them; and in default of payment of the said sums, the said R. P. H., W. B., and T. P., are willing and do agree, and every of them is willing and doth agree for himself, his heirs, executors, and administrators, by these presents, that the said sums shall be levied, recovered, and received of and from them and every of them, and of and from all and singular the manors, messuages, lands, tenements, and hereditaments, goods, and chattels, of them and every of them, wheresoever the same shall be found. Witness our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, and so forth, at Westminster, the day of , 186 .

Whereas, in the matter of &c. [*take title from Order to wind-up*] the Master of the Rolls [*or*, Vice-Chancellor] has by an Order dated the day of , 186 , appointed the said R. P. H. Official Liquidator of the said Company, and has thereby directed him to give security, to be approved of by the said Judge [*or, in case the security precedes the Order*

appointing, has approved of the said R. P. H. as a proper person to be appointed Official Liquidator of the said Company, upon his giving security]. And whereas the said Judge has approved of the said W. B. and T. P. to be Sureties for the said R. P. H. in the amounts set opposite to their respective names in the Schedule hereto, and has also approved of the above-written recognizance, with the under-written condition, as a proper security to be entered into by the said R. P. H., W. B., and T. P., pursuant to the said Order and [*or*, pursuant to] the General Order of the said Court in that behalf; and in testimony of such approbation the Chief Clerk of the said Judge hath signed an allowance in the margin hereof. Now the condition of the above-written recognizance is such, that if the said R. P. H., his executors, or administrators, or any of them, do and shall duly account for what the said R. P. H. shall receive, or become liable to pay, as Official Liquidator of the said Company at such periods and in such manner as the said Judge shall appoint, and pay the same as the said Judge hath [by the said Order] directed, or shall hereafter direct, then the above recognizance to be void, otherwise to remain in full force and virtue.

THE SCHEDULE ABOVE REFERRED TO.

R. P. H. . .	———	. Thousand pounds.
W. B. . .	———	. Thousand pounds.
T. P. . .	———	. Thousand pounds.

Taken and acknowledged by the above-named R. P. H., &c. &c.

No. 11. *Affidavit of Sureties.* [Rule 10.]

In Chancery.

In the Matter, &c.

We, W. B., of &c., and T. P., of &c., severally make Oath, and say as follows:—

1. I, the said W. B., for myself, say that I am worth the sum

of £ of lawful money of Great Britain, over and above what is sufficient for the payment of all my just debts and liabilities.

2. And I, the said T. P., for myself, say that I am worth the sum of £ , of &c. [*as above*].

Sworn, &c.

No. 12. *Sanction of Appointment of Solicitor to Official Liquidator, and Appointment.* [25 & 26 Vict. c. 89, s. 97.]

In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor] sanctions the Official Liquidator appointing a Solicitor, to assist him in the performance of his duties.

G. H.,
Chief Clerk.

I hereby appoint Messrs. C. and D., of &c., to be my Solicitors in this matter.

Dated this day of , 186 .

R. P. H., Official Liquidator.

No. 13. *Order for Payment of Money or Delivery of Books, &c., to Official Liquidator.* [25 & 26 Vict. c. 89, ss. 100, 101.]

The Master of the Rolls [*or*, Vice-Chancellor] at Chambers. } day, the day of , 186 . In the Matter, &c.

Upon the application of &c., and on reading, &c., It is Ordered, that A. B., of &c., do, within four days after service hereof, pay to [*or*, deliver, convey, surrender, or transfer to or into the hands of] R. P. H., the Official Liquidator of the said Company, at the office of the said R. P. H., situate at &c., the sum of £ being the amount of debt appearing to be due from the said A. B., on his account with the said Company [*or*, any sum or balance, books, papers, estate, or effects], [*or, specifically describe the pro-*

perty] now being in the hands of the said A. B., and to which the said Company is *primâ facie* entitled [*or, otherwise, as the case may be.*]

No. 14. *Direction to open Account at the Bank of England.*
[Rules 11, 32, 36—44.]

The Master of the Rolls [*or*, Vice-Chancellor] at Chambers. } day of , 186 . In the Matter, &c.

To the Governor and Company of the Bank of England.

Gentlemen,

An Order, dated the day of 186 , having been made in the above matter by the Master of the Rolls [*or*, the Vice-Chancellor] for winding-up the above-named Company by the Court of Chancery, under the provisions of the said Act, and R. P. H., of , having by Order dated the day of 186 , been appointed the Official Liquidator of the said Company, You are requested to open an account, to be entitled "The Account of the Official Liquidator of the Company," in your books, pursuant to the said Act.

All cheques drawn upon such account must be signed by the Official Liquidator, whose signature is attached hereto, and countersigned by one of the Chief Clerks of the said Judge, whose Signatures are also attached hereto.

I am, Gentlemen,
Your most obedt. Servt.,
G. H.,
Chief Clerk.

Signatures.

R. P. H., Official Liquidator.

G. W. } Chief Clerks of the Master of
G. H. } the Rolls [*or*, Vice-Chancellor].

No. 15. *Advertisement of Appointment of Official Liquidator.* [Rule 14.]

In the Matter, &c.

The Master of the Rolls [*or*, the Vice-Chancellor] has, by an Order dated the day of , 186 , appointed R. P. H., of , to be Official Liquidator of the above-named Company.

Dated this day of , 186 .

G. H.,
Chief Clerk.

No. 16. *Advertisement for Creditors.* [Rule 20.]

In the Matter of, &c.

The Creditors of the above-named Company are required, on or before the day of 186 , to send their names and addresses, and the particulars of their debts or claims, and the names and addresses of their Solicitors, if any, to R. P. H., of , the Official Liquidator of the said Company, and, if so required by Notice in writing from the said Official Liquidator, are by their Solicitors to come in and prove their said debts or claims, at the Chambers of the Master of the Rolls [*or*, the Vice-Chancellor], in the Rolls Yard, Chancery Lane, [*or*, at No. Lincoln's Inn], in the County of Middlesex, at such time as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved.

day, the day of 186 , at o'clock in the noon, at the said Chambers, is appointed for hearing and adjudicatiug upon the debts and claims.

Dated this day of 186 .

G. H.,
Chief Clerk.

No. 17. *Affidavit of Official Liquidator as to Debts and Claims.*
[Rule 22.]

In Chancery.

In the Matter, &c.

I, R. P. H., of &c., the Official Liquidator of the above-named Company, make oath, and say as follows:—

1. I have in the paper writing now produced and shown to me, and marked with the letter A., set forth a list of all the debts and claims the particulars of which have been sent in to me by persons making claims upon, or claiming to be Creditors of the said Company, pursuant to the advertisement issued in that behalf, dated the 186 ; and the names and addresses of the persons by whom such claims are made.

2. I have investigated the said debts and claims, and examined the same with the books and documents of the said Company, in order to ascertain, so far as I am able, which of such debts and claims are justly due from the said Company; and I have, in the first part of the said list, set forth such of the said debts and claims, or parts thereof, as, in my opinion, are justly due from the said Company, and proper to be allowed without further evidence; and I have, in the sixth column of the said first part of the said list, set forth the amounts proper to be allowed in respect of such debts and claims; and I believe that such amounts respectively are justly due and proper to be allowed; and I have, in the seventh column of the said first part of the said list, stated my reasons for such belief.

3. I have, in the second part of the said list, set forth such of the said debts and claims as in my opinion ought to be proved by the respective Creditors.

Sworn, &c.

No. 18. *Exhibit referred to in Affidavit No.* 17.

A.

In the Matter, &c.

List of debts and claims of which the particulars have been sent in to the Official Liquidator.

This paper writing, marked A., was produced and shown to R. P. H., and is the same as is referred to in his Affidavit, sworn before me this day of , 186 .

W. B., &c.

First Part.—Debts and Claims proper to be allowed without further evidence.

Serial No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt or Claim.	Amount Claimed.	Amount proper to be allowed.	Reasons for belief that amounts are proper to be allowed.
				£ s. d.	£ s. d.	

Second Part.—Debts and Claims which ought to be proved by the Creditors.

Serial No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt or Claim.	Amount Claimed.
				£ s. d.

No. 19. *Notice to Creditor of Allowance of Debt.* [Rule 23.]

In the Matter, &c. [Place and Date.]

Sir,

The debt claimed by you in this matter has been allowed

by the Judge at the sum of £ . [*If part only allowed add,* If you claim to have a larger sum allowed, you are hereby required to come in and prove the further amount claimed, *&c., as in next Form.*]

I am, &c.,

R. P. H., Official Liquidator.

To Mr. P. R.

No. 20. *Notice to Creditors to come in and prove their Debts.* [Rule 24.]

In the Matter, &c.

You are hereby required to come in and prove the debt claimed by you against the above-named Company, by filing your Affidavit, and giving notice thereof to me, on or before the day of next; and you are to attend by your Solicitor at the Chambers of the Master of the Rolls, in the Rolls Yard, Chancery Lane [*or*, of the Vice-Chancellor , at No. , Lincoln's Inn], in the County of Middlesex, on the day of 186 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon the claim.

Dated this day of 186 .

R. P. H., Official Liquidator.

To Mr. S. T.

No. 21. *Affidavit of Creditor, in proof of Debt.* [Rule 24.]

In Chancery.

In the Matter, &c.

I, S. T., of &c., make oath, and say as follows:—

1. The above-named Company was, on the day of 186 , the date of the Order for winding-up the same, and still is justly and truly indebted to me in the sum of £ for, &c. [*Describe shortly the nature of the debt, and exhibit any security for it; and in the case of a trade debt exhibit a bill of parcels, and verify the reasonableness of the charges, as in proving a debt in a Suit.*]

2. I have not, nor hath, nor have any person or persons by my order, or to my knowledge or belief, for my use received the said sum of £ or any part thereof, or any security or satisfaction for the same or any part thereof, [*if any security add,*] except the said, [*describe the security*] hereinbefore-mentioned or referred to.

Sworn, &c.

No. 22. *Certificate of Chief Clerk, as to Debts and Claims.*

[Rule 28.]

In the Matter, &c.

In pursuance of the directions given to me by the Master of the Rolls [*or*, Vice-Chancellor], I hereby certify that the result of the adjudication upon debts and claims against the above-named Company, brought in pursuant to the advertisement issued in that behalf, dated the day of 186 , so far as such adjudication has up to the date of this Certificate been proceeded with, is as follows :—

The debts and claims which have been allowed are set forth in the first Schedule hereto, and, with the interest thereon and costs mentioned in the said Schedule, are due to the persons therein named, and amount altogether to £

I have in the first part of the said Schedule set forth such of the said debts and claims as carry interest, and the interest thereon has been computed after the rate they respectively carry down to the date of this Certificate.

I have in the second part of the said Schedule set forth such of the said debts and claims as do not carry interest, and the interest thereon has been computed at the rate of £4 per cent. per annum, from the day of 186 , being the date of the said Order to wind-up the Company, down to the date of this Certificate.

The Claims set forth in the second Schedule hereto have been brought in by the persons therein named, and have been disallowed.

The evidence produced, &c.

THE FIRST SCHEDULE ABOVE REFERRED TO.

First Part.—Debts and Claims which carry interest.

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt.	Total due.
1.	J. L.	29 Street London, Stationer Principal . . . . Interest at £ per cent. per annum, (less Property Tax) from 186 to the dateofthisCertificate. Costs of Proof. . .	On Bill of Exchange,dated&c. £ £ £	£ s. d.
			Total first Part. £	

Second Part.—Debts and Claims which do not carry interest.

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt.	Interest on Principal (less Property Tax).	Total due.
40	W. P.	15 Street, London. Coal Merchant Principal . . . . Costs of Proof . .	Goods sold £50 0 0 2 0 0	£ s. d. 2 0 0	£ s. d. 54 0 0
			Totals £		
			Add total first Part. £		
		Total first and second Parts. £			

THE SECOND SCHEDULE ABOVE REFERRED TO.

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Claim.	Amount Claimed.
				£ s. d.

Dated this day of 186 .

G. H., Chief Clerk.

Approved the
day of , 186 .

No. 23. *Notice to Creditor to attend to receive Debt.* [Rule 28.]

In the Matter, &c.

Sir,

Upon application at my office, No. Street, Middlesex, on or after the instant, between the hours of ten and four o'clock, you may receive a cheque for the amount of your debt, allowed in this matter as under :—

Principal . . . . . £
Interest . . . . . £
Costs of Proof . . . . . £

Total £

If you cannot attend personally, the cheque will be delivered to your Order, upon your filling up and signing the subjoined form.

The bills or securities (if any) held by you must be produced at the time of such application.

Dated this day of 186 .

I am, &c.,

R. P. H., Official Liquidator.

To Mr. S. T.

[*Form of Order.*]

Sir,

Please to deliver to W. R. the cheque for £ referred to in the above letter as payable to me.

S. T.,
Creditor.

To Mr. R. P. H.,
Official Liquidator of the
Company.

No. 24. *Affidavit in support of List of Contributories.*
[Rule 29.]

In Chancery.

In the Matter, &c.

I, R. P. H, of &c., the Official Liquidator of the above-named Company, make oath, and say, as follows:—

1. The paper writing now produced and shown to me, and marked with the letter A, contains a List of the Contributories of the said Company, made out by me from the books and papers of the said Company, together with their respective addresses, and the number of Shares [*or*, extent of interest], to be attributed to each; and such list is, to the best of my knowledge, information and belief, a true and accurate list of the Contributories of the said Company, so far as I have been able to make out and ascertain the same.

2. I have, in the first part of the said list marked A, distinguished the persons who are Contributories in their own right.

3. I have, in the second part of the said list marked A, distinguished the persons who are Contributories as being representatives of, or being liable to the debts of others.

Sworn, &c.

No. 25. *List of Contributories referred to in Form No.* 24.

A.

In the Matter, &c.

This List of Contributories marked A, was produced and shown to R. P. H., and is the same List of Contributories as is referred to in his Affidavit, sworn before me this day of 186 .

W. B., &c.

First Part.—Contributories in their own right.

Serial No.	Name.	Address.	Description.	In what Character included.	Number of Shares [*or*, extent of interest].

Second Part.—Contributories as being Representatives of, or liable to the debts of others.

Serial No.	Name.	Address.	Description.	In what Character included.	Number of Shares [*or*, extent of interest].

No. 26. *Notice to Contributories of Appointment to settle List of Contributories.* [Rule 30.]

In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor], has appointed the day

of 186 , at of the clock in the noon at his Chambers, in the Rolls Yard, Chancery Lane [*or*, at No. , Lincoln's Inn], in the county of Middlesex, to settle the List of the Contributories of the above-named Company, made out and left at the Chambers of the said Judge by the Official Liquidator of the said Company, and you are included in such list in the character, and for the number of Shares [*or*, extent of interest] stated below; and if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled by the said Judge, including you therein.

Dated this day of 186 .

R. P. H., Official Liquidator.

To Mr. A. B. [and to Mr. C. D., his Solicitor].

No. on List.	Name.	Address.	Description.	In what Character included.	Number of Shares [*or*, extent of interest].

No. 27. *Affidavit of Service of Notice.* [Rule 30.]

In Chancery.

In the Matter, &c.

I, W. S., of &c., Clerk to Messrs. C. and D., of &c., the Solicitors of the Official Liquidator of the above-named Company, make oath, and say as follows:—

1. The first six columns of the Schedule now produced and shown to me, and marked with the letter A, contain a true copy of the List of Contributories of the said Company, made out and left at the Chambers of the Master of the Rolls [*or*, Vice-Chancellor], by the said Official Liquidator, on the day of 186 , and now on

the file of proceedings of the said Company, as I know from having, on the day of 186 , examined and compared the said Schedule with the said List; and I have, in the seventh column of the said Schedule marked A, set forth the names and addresses of the Solicitors who have entered appearances for any of the Contributories named in the said List.

2. I did, on the day of 186 , in the manner hereinafter mentioned, serve a true copy of the notice now produced and shown to me, and marked B, upon each of the respective persons whose names, addresses, and descriptions appear in the second, third, and fourth columns of the said Schedule marked A, except that in the tabular form at the foot of such copies respectively I inserted the number on List, name, address, description, in what character included, and number of Shares [*or*, extent of interest] of the person on whom such copy of the said notice was served, in the same words and figures as the same particulars are set forth in the said Schedule marked A.

3. I served the said respective copies of the said notice, by putting such copies respectively, duly addressed to such persons respectively or their solicitors, according to their respective names and addresses appearing in the said Schedule marked A, and, with the proper postage-stamps affixed thereto as prepaid letters, into the Post Office receiving-house, No. in Street, in the county of , between the hours of and of the clock in the noon of the said day of .

Sworn, &c.

No. 28. *The Schedule referred to in Form No.* 27.

A.

In the Matter, &c.

This Schedule marked A was produced and shown to W. S., and is the same Schedule as is referred to in his Affidavit, sworn before me, this day of , 186 .

W. B., &c.

1. Number on List.	2. Name.	3. Address.	4. Description.	5. In what Character included.	6. Number of Shares [*or*, extent of Interest.]	7. Names and Addresses of Solicitors who have entered appearances, and been served with a copy of the notice referred to in the Affidavit of W. S., to which this Schedule is an exhibit.

No. 29. *Supplemental List of Contributories, and Affidavit in Support.* [Rule 29.]

In Chancery.

In the Matter, &c.

I, R. P. H., of &c., the Official Liquidator of the above-named Company, make oath, and say as follows:—

1. Since leaving at the Chambers of the Judge the List of the Contributories in this matter, on the day of 186 , it has come to my knowledge that the several persons whose names are set forth in the Supplemental List of Contributories now produced and shown to me, and marked with the Letter B, are, or have been holders of Shares in [*or*, Members of] the said Company, and to the best of my judgment, information, and belief, such persons are Contributories of the said Company.

2. The said Supplemental List marked B, contains the names of such persons, together with their respective addresses, and the number of Shares [*or*, extent of interest] to be attributed to each; and such List is, to the best of my knowledge, information, and belief, true and accurate.

3. I have, in the first part of the said List marked B, distinguished such of the said persons as are Contributories in their own right.

4. I have in the second part of the said List marked B, distinguished such of the said persons as are Contributories as being representatives of, or being liable to the debts of others.

Sworn, &c.

No. 30. *Supplemental List of Contributories referred to in Form No.* 29.

B.

In the Matter, &c.

This Supplemental List of Contributories marked B, was produced and shown to R. P. H., and is the same Supplemental List of Contributories as is referred to in his Affidavit, sworn before me this day of 186 .

W. B., &c.

Note.—The Supplemental List is to be made out in the same form as the Original List, Form No. 25.

No. 31. *Certificate of Chief Clerk of Settlement of the List of Contributories.* [Rule 31.]

In the Matter, &c.

In pursuance of the directions given to me by the Master of the Rolls [*or*, Vice-Chancellor], I hereby certify that the result of the settlement of the List of Contributories of the above-named Company, made out and left at the Chambers of the said Judge by the Official Liquidator of the said Company on the day of 186 , pursuant to the above Statute and the General Order of this Court in that behalf, so far as the said List has been settled up to the date of this Certificate is as follows :—

1. The several persons whose names are set forth in the second column of the first Schedule hereto, have been included in the said List of Contributories as Contributories of the said Company in respect of the number of Shares [*or*, extent of interest] set opposite the names of such Contributories respectively in the said Schedule.

I have in the first part of the said Schedule distinguished such of the said several persons included in the said List, as are Contributories in their own right.

I have, in the second part of the said Schedule, distinguished such of the said several persons included in the said List as are Contributories, as being representatives of, or being liable to the debts of others.

2. The several persons whose names are set forth in the second column of the Second Schedule hereto have been excluded from the said List of Contributories.

3. I have, in the seventh column of the said first and second Schedules, set forth opposite the name of each of the said several persons respectively, the date when such person was included in or excluded from the said List of Contributories.

The evidence produced, &c.

THE FIRST SCHEDULE ABOVE REFERRED TO.

First Part.—Contributories in their own right.

Serial No. in List.	Name.	Address.	Description.	In what Character included.	Number of Shares [*or*, extent of Interest].	Date when included in the List.

Second Part.—Contributories as being representatives of, or liable to the debts of others.

Serial No. in List.	Name.	Address.	Description.	In what Character included.	Number of Shares [*or*, extent of Interest].	Date when included in the List.

THE SECOND SCHEDULE ABOVE REFERRED TO.

Serial No. in List.	Name.	Address.	Description.	In what Character proposed to be included	Number of Shares [*or*, extent of Interest.]	Date when excluded from the List.

Dated this day of 186 ,

G. H.,
Chief Clerk.

Approved the
day of 186 , }

No. 32. *Order on application to vary List.* [Rule 29.]

Master of the Rolls [*or*, Vice-Chancellor] at Chambers. } day, the day of 186 . In the Matter, &c.

Upon the application of W N. to review the List of Contributories of the said Company, in respect of the inclusion of the said W. N. therein, and that his name may be excluded therefrom, and upon hearing Counsel, &c., and upon reading, &c., It is Ordered, That the name of the said W. N. be excluded from the said List of Contributories [*or*, the Judge doth not think fit to make any Order on the said application, except that the said W. N. do pay to R P. H., the Official Liquidator of the said Company, his costs of this application, to be taxed by the Taxing Master in case the parties differ.]

No. 33. *Affidavit of Official Liquidator in support of proposal for Call.* [Rule 33.]

In Chancery.

In the Matter, &c.

I, R. P. H., of &c., the Official Liquidator of the above-named Company, make oath, and say as follows:—

1. I have, in the Schedule now produced and shown to me, and marked with the letter A, set forth a statement, showing the amount due in respect of the debts allowed against the said Company, and the estimated amount of the costs, charges, and expenses of and incidental to the winding-up the affairs thereof, and which several amounts form in the aggregate the sum of £ or thereabouts.

2. I have also in the said Schedule set forth a statement of the assets in hand belonging to the said Company, amounting to the sum of £ and no more. There are no other assets belonging to the said Company, except the amounts due

from certain of the Contributories of the said Company, and, to the best of my information and belief, it will be impossible to realise in respect of the said amounts more than the sum of £ or thereabouts.

3. It appears by the Chief Clerk's Certificate, dated the day of 186 , that persons have been settled on the List of Contributories of the said Company, in respect of the total number of Shares.

4. For the purpose of satisfying the several debts and liabilities of the said Company, and of paying the costs, charges, and expenses of and incidental to the winding-up the affairs thereof, I believe the sum of £ will be required, in addition to the amount of the assets of the said Company mentioned in the said Schedule A, and the said sum of £ .

5. In order to provide the said sum of £ , it is necessary to make a Call upon the several persons who have been settled on the List of Contributories as before mentioned, and having regard to the probability that some of such Contributories will partly or wholly fail to pay the amount of such Call, I believe that for the purpose of realising the amount required as before mentioned, it is necessary that a Call of £ per Share should be made.

Sworn, &c.

No. 34. *Summons for intended Call.* [Rule 33.]

In the Matter, &c.

Let all parties concerned attend at my Chambers in the Rolls Yard, Chancery Lane [*or*, at No. , Lincoln's Inn], in the County of Middlesex, on day, the day of 186 , at of the clock in the noon, on the hearing of an application on the part of the Official Liquidator of the above-named

Company, that a Call to the amount of £
per Share may be made on all the Contributories [*or, if upon any particular class, specify the same*] of the said Company.

John Romilly, Master of the Rolls,
or
X. Y., Vice-Chancellor.

This Summons was taken out by A. & B., of
, in the County of , Solicitors for the said Official Liquidator.

To Mr. A. B., of &c., a Contributory of the said Company proposed to be included in the said Call.

No. 35. *Advertisement of Intended Call.* [Rule 33.]

In the Matter, &c.

By direction of the Master of the Rolls [*or*, Vice-Chancellor] Notice is hereby given that the said Judge has appointed the day of , 186 , at o'clock in the noon, at his Chambers in the Rolls Yard, &c., to make a Call on all the Contributories of the said Company, [*or, as the case may be*], and that the Official Liquidator of the said Company proposes that such call shall be for £ per Share. All persons interested are entitled to attend at such day, hour, and place, to offer objections to such Call.

Dated this day of 186 .

G. H.,
Chief Clerk.

No. 36. *General Order for a Call.* [Rule 34.]

Master of the Rolls [*or*, Vice-Chancellor] at Chambers.

the day of 186 .

In the Matter, &c.

Upon the application of the Official Liquidator of the above-named Company, and upon reading two Orders, dated the day of 186 , and the

day of 186 , the Chief Clerk's Certificate, dated the day of 186 , Affidavit of the said Official Liquidator, filed 186 , and the Exhibit marked A therein referred to, and an Affidavit of filed 186 , It is Ordered, That a Call of pounds per Share be made on all the Contributories of the said Company [*or, as the case may be*]. And it is ordered, that each such Contributory do on or before the day of 186 , pay into the Bank of England, to the Account of the Official Liquidator of the Company, the amount which will be due from him or her in respect of such Call.

No. 37. *Notice to be served with the General Order for a Call.*
[Rule 34.]

In the Matter, &c.

The Amount due from you, A. B., in respect of the Call made by the above [*or*, within] Order, is the sum of £ , which sum is to be paid by you into the Bank of England, to the account mentioned in the said Order. You can pay the same in person, or through a Banker or other agent; but this notice and copy Order must be produced at the Bank upon such payment, and the Cashier of the Bank will, upon receiving the same, deliver to you a Certificate of the payment in, numbered , signed by the said Cashier. In order to prevent proceedings being taken against you for non-payment, you must, immediately upon such payment in, cause written notice of the payment, and of the date thereof to be given to me as the Official Liquidator of the said Company, at my office, No. Street, in the County of Middlesex.

Dated this day of 186 .

R. P. H., Official Liquidator.

To Mr. A. B.

No. 38. *Affidavit in support of Application for Order for Payment of Call due from Contributories.* [Rule 35.]

In Chancery.

In the Matter, &c.

I, R. P. H., of &c., the Official Liquidator of the above-named Company, make oath, and say as follows :—

1. None of the Contributories of the said Company whose names are set forth in the Schedule hereunto annexed, marked A, have paid, or caused to be paid, the respective sums set opposite their respective names in the said Schedule, and which sums are the respective amounts now due from them respectively in respect of the Call of £ per Share, in pursuance of the Order of the judge in that behalf, dated the day of 186 .

2. The respective amounts or sums set opposite the names of such Contributories respectively in such Schedule, are the true amounts due and owing by such Contributories respectively in respect of the said Call.

Sworn, &c.

A.

THE SCHEDULE ABOVE REFERRED TO.

No. on List.	Name.	Address.	Description.	In what Character included.	Amount due
					£ s. d.

Note.—In addition to the above Affidavit, an Affidavit of the service of the Order and Notice (Nos. 36 and 37) will be required.

No. 39. *Order for Payment of Call due from a Contributory.*
[Rule 35.]

The Master of the Rolls [*or*, Vice-Chancellor at Chambers.] day, the day of 186 .
In the Matter, &c.

Upon the application of the Official Liquidator of the above-named Company, and upon reading the Order, dated the day of , 186 , an Affidavit of filed the day of 186 , and an Affidavit of the said Official Liquidator, filed the day of 186 , It is Ordered, That C. D., of &c. [*or*, E. F., of &c., the legal personal representative of L. M., late of &c., deceased], one of the Contributories of the said Company [*or if against several Contributories*, the several persons named in the second column of the Schedule to this Order being respectively Contributories of the said Company] do, on or before the day of 186 , or within four days after service of this Order pay into the Bank of England, to the account of the Official Liquidator of the Company [*or*, to A. B., the Official Liquidator of the said Company at his office No. Street, in the county of Middlesex], the sum of £ [*if against a legal personal representative add*], out of the assets of the said L. M., deceased in his hands as such legal personal representative as aforesaid to be administered in a due course of administration, if the said E. F. has in his hands so much to be administered; *Or, if against several Contributories*, the several sums of money set opposite to their respective names in the sixth column of the said Schedule hereto], such sum [*or*, sums] being the amount or [*or*, amounts] due from the said C. D. [*or*, L. M.] [*or*, the said several persons respectively] in respect of the call of £ per share made by the said Order dated the day of 186 .

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDER.

No. on List.	Name.	Address.	Description.	In what Character included.	Amount due
					£ s. d.

Note.—The copy for service of the above Order must be endorsed, as required by the 23rd Consol. Order, rule 10.

No. 40. *Notice to be endorsed on, or served with every Order directing Payment of Money into the Bank of England.* [Rule 39.]

You can make the payment directed by the within [*or*, above] Order at the Bank of England in person, &c. [*as in the Form No.* 37.]

R. P. H., Official Liquidator.

To. Mr.

No. 41. *Certificate of Payment of Money into the Bank of England.* [Rule 39.]

In the Matter, &c.

No.

day of , 186 .

I hereby certify that C. D., of &c., has this day paid into the Bank of England the sum of , to be placed to the credit of the Official Liquidator of the Company, pursuant to an Order dated the day of , 186 .

For the Governor and Company of the Bank of England,

H. M.,

Cashier.

£ .

No. 42. *Affidavit of Service of Order for Payment of Call.* [Rule 35.]

In Chancery.

In the Matter, &c.

I, J. B., of &c., make oath, and say as follows:—

1. I did, on the day of , 186 , personally serve G. F., of , in the county of , &c., with an Order made in this matter by His Honor the Master of the Rolls [*or*, Vice-Chancellor], dated the day of , 186 , whereby it was ordered [*set out the Order in the past tense*] by delivering to and leaving with the said G. F. at , in the county of , a true Copy of the said Order, and at the same time producing and showing unto him, the said G. F., the said original Order duly entered.

2. There was endorsed on the said Copy, when so served, the following words, that is to say, "If you, the within-named G. F., neglect to obey this Order by the time therein limited, you will be liable to be arrested under a writ of attachment issued out of the High Court of Chancery, or by the Serjeant-at-arms attending the same Court, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same Order."

Sworn, &c.

No. 43. *Affidavit of Non-payment of Money by Order directed to be paid into the Bank of England.* [Rule 40.]

In Chancery.

In the Matter, &c.

I, R. P. H., of &c., the Official Liquidator of the above-named Company, make oath, and say as follows:—

1. G. F., the person named in an Order made in this matter by His Honor the Master of the Rolls [*or*, Vice-Chancellor], dated day of , 186 , has not paid into the Bank of England, to the account of the Official Liquidator of the Company

the whole or any part of the sum of £ as by the said Order directed.

[*Or, in case of several parties.*]

1. None of the several persons whose names and addresses are set forth in the Schedule hereunder written, and who have respectively been duly served with Orders made in this matter by His Honor the Master of the Rolls [*or*, Vice-Chancellor], of the respective dates set opposite to their respective names in the said Schedule, have paid into the Bank of England to the account of the Official Liquidator of the Company, the whole or any part of the several sums of money set opposite to their respective names in the said Schedule hereunder written, as by the said Orders respectively directed.

2. I am enabled to depose to such non-payment, by reason of my having this day ascertained, by inquiry at the said Bank, that such payment [*or*, payments] has [*or*, have] not been made, and seen the Certificate of payment in, numbered [*or*, several Certificates of payment in, the numbers whereof respectively are set forth in the sixth column of the said Schedule, opposite the names of the said respective persons, being Certificates] furnished by me to the Cashier of the said Bank for delivery to the said G. F. [*or*, several persons respectively] upon such payment [*or*, payments] being made, still in the hands of the Cashier of the said Bank. No notice [*or*, notices] of such payment [*or*, payments] having been made has [*or*, have] been given to me by the said G. F. [*or*, several persons respectively.]

Sworn, &c.

THE SCHEDULE ABOVE REFERRED TO.

Name.	Address.	Description.	Amount.	Date of Balance Order.	Number of Certificate.
			£ s. d.		

No. 44. *Request to invest Cash in Government Stock or Exchequer Bills.* [Rule 43.]

In the Matter, &c.

To the Governor and Company of the Bank of England.

Gentlemen,

It appearing that the sum of £ cash is standing to the credit of the account of the Official Liquidator of the above-named Company, you are hereby requested to invest the sum of £ , part thereof, in the purchase of Bank £3 per Cent. Annuities [*or*, Reduced £3 per Cent. Annuities, *or*, New £3 per Cent. Annuities, *or*, New £2 10*s*. per Cent. Annuities] in the name of R. P. H , of &c., the Official Liquidator of the said Company, [*or*, in the purchase of Exchequer Bills, and to deposit such Exchequer Bills in the Bank of England, in the name and on behalf of the said Official Liquidator.] The said Annuities [*or*, Exchequer Bills] are not to be sold, transferred, or otherwise dealt with, except upon a direction for that purpose signed by the Official Liquidator of the said Company, and countersigned by the Chief Clerk of the Master of the Rolls [*or*, Vice-Chancellor], or under an Order to be made by the said Judge.

Dated this day of , 186 .

I am, Gentlemen,

Your most obedient Servant,

R. P. H., Official Liquidator.

Countersigned,

G. H., Chief Clerk of the Master of the Rolls [*or*, Vice-Chancellor].

No. 45. *Notice* [*or Advertisement*] *of Meeting of Creditors or Contributories.* [Rules 45, 46.]

In the Matter, &c.

Notice is hereby given that the Master of the Rolls, [*or*, Vice-Chancellor] has directed a Meeting of the

Creditors [*or*, Contributories] of the above-named Company to be summoned pursuant to the above Statute, for the purpose of ascertaining their wishes as to [*state the object for which meeting called, unless notice is by advertisement, in which case say*, certain matters relating to the winding-up of the said Company,] and that such Meeting will be held on day, the day of 186 , at o'clock in the noon, at in the county of , at which time and place all the Creditors [*or*, Contributories] of the said Company are requested to attend. [The said Judge has appointed H. T., of &c., to act as Chairman of such Meeting.]

Dated this day 186 .

R. P. H., Official Liquidator.

No. 46. *Appointment of Proxy to vote at Meeting of Creditors or Contributories.* [Rule 46.]

In the Matter, &c.

I, W. S., of in the county of being a Creditor [*or*, Contributory] of the above-named Company, hereby appoint of as my Proxy to vote for me, and on my behalf, at the Meeting of the Creditors [*or*, Contributories] of the said Company, summoned by direction of the Master of the Rolls [*or*, Vice-Chancellor], to be held on the day of and at any adjournment thereof.

As witness my hand this day of 186 .

W. S.

Signed by the said W. S. }
in the presence of }

J. M., of &c.

No. 47. *Memorandum of Appointment of a Person to act as Chairman at Meeting of Creditors or Contributories.* [Rule 47.]

In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor] has appointed Mr. H. T., of &c., one of the Creditors [*or*, Contributories] of the above-named Company, to act as Chairman of a Meeting of the Creditors [*or*, Contributories] of the said Company, summoned by direction of the said Judge, pursuant to the above Statute, to be held on day, the day of , 186 , at o'clock, in the noon, at , in the county of , and to report the result of such Meeting to the said Judge.

The said Meeting is summoned for the purpose of ascertaining the wishes of the Creditors [*or*, Contributories] of the said Company as to [*state the object for which Meeting called*]; and at such Meeting the votes of the Creditors [*or*, Contributories] may be given either personally or by proxy.

Dated this day of 186 .

G. H.,
Chief Clerk.

No. 48. *Chairman's Report of Result of Meeting of Creditors or Contributories.* [Rules 45, 46, 47.]

In the Matter, &c.

I, H. T., the person appointed by the Master of the Rolls, [*or*, Vice-Chancellor] to act as Chairman of a Meeting of the Creditors, [*or*, Contributories] of the above-named Company, summoned by advertisement, [*or*, notice] dated the day of 186 , and held on the day of 186 , at in the county of , do hereby report to the said Judge the result of such Meeting as follows:—

The said Meeting was attended, either personally or by proxy, by Creditors to whom debts against the said Company

have been allowed, amounting in the whole to the value of £ [*or*, by Contributories, holding in the whole Shares in the said Company, and entitled respectively by the regulations of the Company, to the number of votes hereinafter mentioned].

The question submitted to the said Meeting was, whether the Creditors [*or*, Contributories] of the said Company approved of the proposal of the Official Liquidator of the said Company, that, &c. [*as the case may be*,] and wished that such proposal should be adopted and carried into effect.

The said Meeting was unanimously of opinion that the said proposal should [*or*, should not] be adopted and carried into effect. [*or*, The result of the voting upon such question was as follows:—

The undermentioned Creditors [*or*, Contributories] voted in favour of the said proposal being adopted and carried into effect:—

Name of Creditor [*or*, Contributory].	Address.	Value of Debt [*or*, Number of Shares].	Number of Votes conferred on each Contributory by the Regulations of the Company.

The undermentioned Creditors [*or*, Contributories] voted against the said proposal being adopted and carried into effect:—

Name of Creditor [*or*, Contributory].	Address.	Value of Debt [*or*, Number of Shares].	Number of Votes conferred on each Contributory by the Regulations of the Company.

Dated this day of 186 .

(Signed) H. T.,

Chairman.

No. 49. *Memorandum of Sanction of Judge to accepting Bill of Exchange.* [Rule 48.]

In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor], has sanctioned the acceptonce of this bill of exchange by the Official Liquidator on behalf of the said Company.

G. H.,

Chief Clerk.

No. 50. *Memorandum of Agreement of Compromise with a Contributory.* [Rule 49.]

In the Matter, &c.

Memorandum of Agreement entered into this day of 186 , between R. P. H., of &c., the Official Liquidator of the above-named Company of the one part and S. B., of &c., one of the Contributories of the said Company, of the other part.

Whereas the said S. B. has been settled on the List of Contributories of the said Company as a contributory in respect of Shares in the said Company, And whereas, by an Order made by the Master of the Rolls [*or*, Vice-Chancellor], dated the day of 186 , a Call of £ per Share was made on all the Contributories of the said Company, and there is now due from the said S. B. to the said Company the sum of £ in respect of the said Call. And whereas the said S. B. has proposed to pay to the said Official Liquidator the sum of £ by way of compromise, and in satisfaction and discharge of the said sum of £ , and of all liability whatsoever, as a Contributory of the said Company. And whereas the said Official Liquidator, having investigated the affairs of the said S. B., and believing that such compromise will be beneficial to the said Company, hath, in exercise of the power for that purpose given to him by the above Statute, agreed to accept the same, subject to the sanction of the said Judge and to the conditions and agreements hereinafter contained. Now it is hereby agreed by and between the said parties hereto:

1st. That the said Official Liquidator shall, before the day of next, apply to the said Judge at Chambers to sanction this Agreement of Compromise.

2nd. That upon this Agreement being sanctioned by the said Judge the said S. B. shall, within days next after such sanction, pay to the said Official Liquidator the said sum of £ , and when thereto required, shall do and execute all such acts and deeds as may be necessary for transferring, or surrendering and releasing to the said Official Liquidator on behalf of the said Company, or in such manner as the said Judge may direct, the said Shares held by the said S. B., in the said Company, and all claim and demand whatsoever which the said S. B. has, or may have, against the said Company in respect of the said Shares, or the distribution of the assets of the said Company, or otherwise howsoever.

3rd. That the said sum of £ , and the transfer or surrender and release of the said Shares and interest of the said S. B., as aforesaid, shall be accepted by the said Official Liquidator as, and be deemed and taken to give to the said S. B. a full and complete discharge from all Calls and liabilities, claims and demands whatsoever, which the said Company, or the Official Liquidator thereof now has or may hereafter have, or be entitled to against the said S. B., in respect of his being or having been the holder of the said Shares, or otherwise, as a Contributory of the said Company.

4th. That in case this Agreement shall not be sanctioned by the said Judge it shall cease and determine, and the said Official Liquidator and the said S. B. shall be remitted to their original rights with respect to each other, as if this Agreement had not been entered into.

5th. That in case this Agreement shall be sanctioned by the said Judge, and the said S. B. shall not in all respects perform the same on his part, the Official Liquidator shall be at liberty, with the sanction of the said Judge, and without notice to the said S. B., to enforce the performance thereof, or, with the like sanction, to give notice to the said S. B. that he abandons this Agreement, whereupon the same shall cease and determine, and the said Official Liquidator shall be entitled to proceed against the said S. B. to enforce payment of the said sum of £ , or so much thereof as shall then remain due and unpaid, as if this Agreement had not been entered into.

R. P. H., Official Liquidator.
S. B.

Witness to the signatures of the said R.P.H. and S.B.
C. D., of &c.

No. 51. *Memorandum of Sanction of Judge to Agreement of Compromise.* [Rule 49.]

In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor] has sanctioued this Agreement of Compromise.

G. H.,
Chief Clerk.

No. 52. *Order or Memorandum of the Sanction of the Judge for certain Acts to be done by the Official Liquidator.* [Rule 50.]

The Master of the Rolls, [*or*, [Vice-Chancellor] at Chambers. } day of 186 . In the Matter, &c.

The Master of the Rolls [*or*, Vice-Chancellor] Doth hereby sanction [*or*, has sanctioned] the following proceedings being taken [*or*, acts being done] by the Official Liquidator of the above-named Company, namely, [*state the proceedings to be taken or acts to be done as,*] the bringing [*or*, instituting] and prosecuting an Action at Law [*or*, Suit in Equity], in the name and on behalf of the said Company, against [*or*, defending an Action at Law [*or*, Suit in Equity] brought [*or*, instituted] against the said Company by] K. M., of &c., to recover a debt or sum of £ alleged to be due from [*or*, to] the said K. M. to [*or*, from] the said Company, &c.

G. H.,
Chief Clerk.

No. 53. *Appearance Book.* [Rule 62.]

In the Matter, &c.

Appearance Book.

Date when Appearance entered.	Party's Name.	Whether Creditor or Contributory.	If he appears in person, his Address for service.	If he appears by a Solicitor, his Solicitor's Name.	Solicitor's Address.	Amount of Debt [*or*, Number of Shares].

No. 54. *Summons for Persons to attend at Chambers to be examined.* [25 & 26 Vict. c. 89, s. 115.]

In Chancery.

In the Matter, &c.

A. B., of &c., and E. F., of &c., are hereby severally summoned to attend at the Chambers of the Master of the Rolls [*or*, Vice-Chancellor], in the Rolls Yard, Chancery Lane [*or*, No. Lincoln's Inn,] in the county of Middlesex, on day of 186 , at of the clock in the noon to be examined on the part of the Official Liquidator [*or*, of W. D., of &c.], for the purpose of proceedings directed by the Master of the Rolls [*or*, the said Vice-Chancellor] to be taken before me in the above matter. [And the said A. B. is hereby required to bring with him and produce, at the time and place aforesaid, a certain indenture [*describe documents*] and all other books, papers, deeds, writings, and other

documents in his custody or power in anywise relating to the above-named Company.]

Dated this day of 186 .

G. H.,
Chief Clerk.

This Summons was taken out by Messrs. C. & D., of in the county of , Solicitors for the Official Liquidator [*or*, for the said W. D.]

No. 55. *Certificate of the Company being completely wound-up, and of the Official Liquidator having passed his final Account.*
[Rule 66.]

In the Matter, &c.

In pursuance of the directions given to me by the Master of the Rolls [*or*, Vice-Chancellor], I hereby certify that R. P. H., the Official Liquidator of the above-named Company, has passed his final account as such Official Liquidator, And that the balance of £ thereby certified to be due to [*or*, from] the said Official Liquidator has been paid in the manner directed by the Order dated the day of 186 . And that the affairs of the said Company have been completely wound-up.

The evidence produced, &c.

Dated this day of 186 .

G. H.,
Chief Clerk.

Approved the
day of 186 .

No. 56. *Order to Dissolve the Company.* [Rule 66.]

The Master of the Rolls [*or*, Vice-Chancellor] at Chambers. , the day of 186 . In the Matter, &c.

Upon the application of the Official Liquidator of the above-named Company, and upon reading an Order dated the day of , and the Chief Clerk's Certificate, dated the day of , whereby it appears that the affairs of the said Company have been completely wound-up, and that the balance of £ , due from [*or*, to] the Official Liquidator, has been paid in manner directed by the said Order, It is Ordered that the said Company be dissolved, as from this day of 186 , And that the recognizance dated the day of 186 , entered into by the said Official Liquidator, together with W. B. and T. P., his sureties, be vacated.

WESTBURY, C.
JOHN ROMILLY, M. R.
RICHD. T. KINDERSLEY, V. C.
JOHN STUART, V. C.
W. P. WOOD, V. C.

[14]

By Authority.

GENERAL ORDERS

OF THE

Lord High Chancellor,

THURSDAY, 12TH DAY OF FEBRUARY, 1863.

LONDON:
V. & R. STEVENS, SONS, & HAYNES,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON
WILLIAM STEVENS, PRINTER, 37, BELL YARD.
LINCOLN'S INN.

LORD CHANCELLOR.

ORDER OF COURT,

Thursday, the 12th day of February, 1863.

WHEREAS by reason of the growing increase of the business of this Court, the number of Certificates and documents of the like nature requiring the signature of the Accountant-General has become so great as inconveniently to interfere with his discharge of other and indispensable duties; Now therefore, upon reading an Act of Parliament passed in the Twelfth year of the Reign of His Majesty King George the First, intituled, "An Act for better securing "the monies and effects of the Suitors of the Court of "Chancery, and to prevent the counterfeiting of East India "Bonds, and endorsements thereon, as likewise endorse-"ments on South Sea Bonds" I do order that all Certificates of Funds in Court, and of transactions that have been recorded in the books of the Accountant-General; that is to say, payment of cash into Court, sales, purchases, transfers and acceptances of stock, and carryings over of Funds from one account to another, shall be signed by the Chief Clerk of the Accountant-General for the time being, in his own name, as for and on behalf of the said Accountant-General.

WESTBURY, C.

GENERAL ORDER

OF THE

High Court of Chancery,

AS TO

THE MODE OF PROCEEDING

FOR

THE PROOF OF DEBTS.

Saturday, the 27th day of May, 1865.

LONDON:
STEVENS AND SONS,
(LATE STEVENS AND NORTON),
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

ORDER OF COURT,

Saturday, the 27th day of May,

1865.

THE Right HONORABLE RICHARD Baron WESTBURY, Lord High Chancellor of Great Britain, with the advice and consent of the RIGHT HONORABLE SIR JOHN ROMILLY, Master of the Rolls, the HONORABLE the VICE-CHANCELLOR, SIR RICHARD TORIN KINDERSLEY, the HONORABLE the VICE-CHANCELLOR, SIR JOHN STUART, and the HONORABLE the VICE-CHANCELLOR, SIR WILLIAM PAGE WOOD, Doth hereby, in pursuance and execution of the powers given by the Statutes 13th and 14th Victoria, chapter 35, and 15th and 16th Victoria, chapter 80, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

1. EVERY Advertisement for Creditors affecting the estate of a deceased person, which shall be issued pursuant to any Decree or Order, shall direct every Creditor, by a time to be thereby limited, to send to the Executor or Administrator of the deceased, or to such other party as the Judge shall direct, or to his Solicitor, to be named and described in such Advertisement, the name and address of such Creditor, and the full particulars of his claim, and a statement of his account, and the nature of the security (if any) held by him; and such Advertisement shall be in the Rule 1.

form numbered 1 in the second Schedule hereto, with such variations as the circumstances of the case may require; and at the time of directing such Advertisement a time shall be fixed for adjudicating on the claims.

Rule 2. **2.** No Creditor need make any affidavit nor attend in support of his claim (except to produce his Security), unless he is served with a notice requiring him to do so, as hereinafter provided.

Rule 3. **3.** Every Creditor shall produce the Security (if any) held by him, before the Judge, at such time as shall be specified in the Advertisement for that purpose, being the time appointed for adjudicating on the claims; and every Creditor shall, if required by notice in writing, to be given by the Executor or Administrator of the deceased, or by such other party as the Judge shall direct, produce all other deeds and documents necessary to substantiate his claim before the Judge, at his chambers, at such time as shall be specified in such notice.

Rule 4. **4.** In case any Creditor shall neglect or refuse to comply with the preceding Rule numbered 3, he shall not be allowed any costs of proving his claim, unless the Judge shall otherwise direct.

Rule 5. **5.** The Executor or Administrator of the deceased, or such other party as the Judge shall direct, shall examine the claims sent in pursuant to the Advertisement, and shall ascertain, so far as he is able, to which of such claims the estate of the deceased is justly liable; and he shall, at least seven clear days prior to the time appointed for adjudication, file an Affidavit, to be made by such Executor or Administrator, or one of the Executors or Administrators, or such other party, either alone or jointly with his Solicitor, or other competent person, or

otherwise as the Judge shall direct, verifying a list of the claims the particulars of which have been sent in pursuant to the Advertisement, and stating to which of such claims, or parts thereof respectively, the estate of the deceased is, in the opinion of the Deponent, justly liable, and his belief that such claims, or parts thereof respectively, are justly due and proper to be allowed, and the reasons for such belief.

6. In case the Judge shall think fit so to direct, the making of the Affidavit referred to in the preceding Rule numbered 5, shall be postponed till after the day appointed for adjudication, and shall then be subject to such directions as the Judge may give. Rule 6.

7. At the time appointed for adjudicating upon the claims, or at any adjournment thereof, the Judge may, in his discretion, allow any of the claims, or any part thereof respectively, without proof by the Creditors, and direct such investigation of all or any of the claims not allowed, and require such further particulars, information, or evidence, relating thereto, as he may think fit, and may, if he so think fit, require any Creditor to attend and prove his claim, or any part thereof; and the adjudication on such claims as are not then allowed shall be adjourned to a time to be then fixed. Rule 7.

8. Notice shall be given by the Executor or Administrator, or such other party as the Judge shall direct, to every Creditor whose claim, or any part thereof, has been allowed without proof by the Creditor, of such allowance, and to every such Creditor as the Judge shall direct, to attend and prove his claim, or such part thereof as is not allowed, by a time to be named in such Notice, not being less than seven days after such Notice, and to attend at a time to be therein named, being the time to which the adjudication Rule 8.

thereon shall have been adjourned; and in case any Creditor shall not comply with such notice, his claim, or such part thereof as aforesaid, shall be disallowed.

Rule 9. **9.** Any Creditor who has not before sent in the particulars of his claim pursuant to the Advertisement, may do so four clear days previous to any day to which the adjudication is adjourned.

Rule 10. **10.** After the time fixed by the Advertisement, no claim shall be received (except as before provided in case of an adjournment), unless the Judge shall think fit to give special leave upon application made by Summons, and then upon such terms and conditions as to costs and otherwise as the Judge shall direct.

Rule 11. **11.** The Rules numbered 37, 38, 41, 42, and 43, of the 35th Consolidated General Order are hereby abrogated, in so far only as the same relate to Creditors.

Rule 12. **12.** Where any Decree or Order is made for payments by the Accountant-General to Creditors, the party whose duty it is to prosecute such Decree or Order shall send to each such Creditor, or his Solicitor (if any), a Notice that the Cheques may be received from the Accountant-General; and such party shall, when required, produce such Decree or Order, and any other papers necessary to enable such Creditors to receive their Cheques and get them passed.

Rule 13. **13.** Every Notice by this Order required to be given shall, unless the Judge shall otherwise direct, be deemed sufficiently given and served if transmitted by the post, prepaid, to the Creditor to be served, according to the address given by such Creditor in the claim sent in by him pursuant to the Adver-

tisement, or, in case such Creditor shall have employed a Solicitor, to such Solicitor, according to the address given by him.

14. Solicitors shall be entitled to charge and be allowed the fees set forth and referred to in the first Schedule to this Order, for business done under this Order. Rule 14.

15. The Forms set forth or referred to in the second Schedule to this Order, with such variations as the circumstances of each case shall require, shall be adopted for the respective purposes therein mentioned. Rule 15.

16. This Order shall come into operation on and after the 15th day of June, 1865; and the General Interpretation Clause in the Consolidated General Orders shall be deemed to extend to this Order; and the word "Creditor" used in this Order, and in the Forms subjoined hereto, shall include a person claiming any debt or liability affecting the personal estate of a deceased person, under any Order made pursuant to the Statute 13th and 14th Victoria, chapter 35. Rule 16.

WESTBURY, C.
JOHN ROMILLY, M.R.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.
W. P. WOOD, V.C.

THE FIRST SCHEDULE.

FEES AND CHARGES TO BE ALLOWED TO SOLICITORS.

	Lower Scale.			Higher Scale.		
For every Notice which may be sent by the post, including the sending . .	0	2	6	0	2	6
For every other Notice, including the service	0	5	0	0	5	0
For attendances on the Accountant-General to bespeak all Cheques for sums payable to Creditors under any Decree or Order	0	6	8	0	13	4
For all other attendances on the Accountant-General and Registrar to produce papers necessary to enable all Creditors to receive their Cheques under any Decree or Order, and get them passed	0	6	8	0	13	4
And if the number of such Cheques exceeds two, for every additional number not exceeding two	0	6	8	0	6	8
Except that the last-mentioned fees shall not in any case (unless the Taxing Master shall in his discretion think fit, under special circumstances, to allow a larger amount) exceed	3	3	0	5	5	0

	Lower Scale.	Higher Scale.
For all other business, the same fees and allowances as are authorized by the 2nd Rule of the 38th of the Consolidated General Orders, and the Regulations as to Solicitors' fees subjoined thereto, and by the practice of the Court for business of a similar nature, except the special fees applicable to Creditors coming in under the Rules of the 35th of the Consolidated General Orders which are abrogated by this Order.		

THE SECOND SCHEDULE.

FORMS.

No. 1. *Advertisement for Creditors.* [Rule 1.]

Pursuant to a Decree [*or*, an Order] of the High Court of Chancery, made in [the Matter of the estate of A. B., and in] a Cause, S. against P., the Creditors of A. B., late of , in the county of , who died in or about the month of , 18 , are, on or before the day of , 18 , to send, by post, prepaid, to E. F., of , the Solicitor of the Defendant C. D., the Executor [*or*, Administrator] of the deceased [*or as may be directed*], their Christian and Surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the Securities (if any) held by them; or, in default thereof, they will be peremptorily excluded from the benefit of the said Decree [*or*, Order]. Every Creditor holding any Security is to produce the same before the Master of the Rolls [*or*, Vice-Chancellor], at his Chambers, situated at, *&c.*, on the day of , 18 , at o'clock in the noon, being the time appointed for adjudicating on the Claims.

Dated this day of , 18 .

G. H.,
Chief Clerk.

No. 2. *Notice to Creditor to produce Documents.* [Rule 3.]

(*Short Title.*)

You are hereby required to produce, in support of the claim sent in by you against the estate of A. B., deceased [*describe any Probate, Administration, deed, or document required*], before the Master of the Rolls [*or*, Vice-Chancellor], at his Chambers, situate at, *&c.*, on the day of , 18 , at o'clock in the noon.

Dated this day of , 18 .

G. R., of &c., Solicitor for the Plaintiff [*or*, Defendant, *or as may be*].

To Mr. S. T.

No. 3. *Affidavit of Executor or Administrator as to Claims.* [Rule 5.]

In Chancery.

(*Title.*)

We, C. D., of &c., the above-named Plaintiff [*or*, Defendant, *or as may be*], the Executor [*or*, Administrator], of A. B., late of , in the County of , deceased, and E. F., of &c., Solicitor, severally make oath and say as follows:—

I, the said E. F., for myself say as follows:—

1. I have in the paper writing now produced and shown to me, and marked A, set forth a list of all the claims the particulars of which have been sent in to me by persons claiming to be Creditors of the said A. B., deceased, pursuant to the Advertisement issued in that behalf, dated the day of , 18 .

And I, the said C. D., for myself say as follows:—

2. I have examined the particulars of the several claims mentioned in the paper writing now produced and shown to me, and marked A, and I have compared the same with the books, accounts, and documents of the said A. B. [*or as may be, and state any other inquiries or investigations made*], in order to ascertain, so far as I

am able, to which of such claims the estate of the said A. B. is justly liable.

3. From such examination (*and state any other reasons*), I am of opinion, and verily believe, that the estate of the said A. B. is justly liable to the amounts set forth in the sixth column of the first part of the said paper writing marked A; and to the best of my knowledge and belief such several amounts are justly due from the estate of the said A. B., and proper to be allowed to the respective Claimants named in the said Schedule.

4. I am of opinion that the estate of the said A. B. is not justly liable to the claims set forth in the second part of the said paper writing marked A, and that the same ought not to be allowed without proof by the respective Claimants [*or*, I am not able to state whether the estate of the said A. B. is justly liable to the claims set forth in the second part of the said paper writing marked A, or whether such claims, or any parts thereof, are proper to be allowed without further evidence].

Sworn, &c.

No. 4. *Exhibit referred to in Affidavit No.* 3.

A.

(*Short Title.*)

List of claims the particulars of which have been sent in to E. F., the Solicitor of the Plaintiff [*or*, Defendant, *or as may be*], by persons claiming to be Creditors of A. B., deceased, pursuant to the Advertisement issued in that behalf, dated the
day of , 18 .

This paper writing, marked A, was produced and shown to , and is the same as is referred to in his Affidavit, sworn before me this day of , 18 .

W. B., &c.

First Part.—Claims proper to be allowed without further evidence.

Serial No.	Names of Claimants.	Addresses and Descriptions.	Particulars of Claim.	Claimed. Amount	Amount proper to be allowed.
				£ s. d.	£ s. d.

Second Part.—Claims which ought to be proved by the Claimants.

Serial No.	Names of Claimants.	Addresses and Descriptions.	Particulars of Claim.	Amount Claimed.
				£ s. d.

No. 5. *Notice to Creditor to prove his Claim.* [Rule 8.]

(*Short Title.*)

You are hereby required to prove the claim sent in by you against the estate of A. B., deceased. You are to file such Affidavit as you may be advised in support of your claim, and give notice thereof to me, on or before the day of next; and to attend, by your Solicitor, at the Chambers of the Master of the Rolls [*or*, Vice-Chancellor], situate at, *&c.*, on the day of , 18 , at

o'clock in the noon, being the time appointed for adjudicating on the claim.

Dated this day of , 18 .

G. R., of &c., Solicitor for the Plaintiff [*or*, Defendant, *or as may be*].

To Mr. S. T.

No. 6. *Notice to Creditor of Allowance of Claim.* [Rule 8.]

(*Short Title.*)

The Claim sent in by you against the estate of A. B., deceased, has been allowed at the sum of £ , with interest thereon at £ per cent. per annum, from the day of , 18 , and £ for costs.

[*If part only allowed, add,* If you claim to have a larger sum allowed, you are hereby required to prove such further claim, and you are to file [*&c., as in Form No.* 5].]

Dated this day of , 18 .

G. R., of &c., Solicitor for the Plaintiff [*or*, Defendant, *or as may be*].

To Mr. P. R.

No. 7. *Notice that Cheques may be received.* [Rule 12.]

(*Short Title.*)

The Cheques for the amounts directed to be paid to the Creditors of A. B., deceased, by an Order made in this [Matter and] Cause, dated the day of , 18 , may be received at the Accountant-General's Office on and after the day of 18 .

G. R., of &c., Solicitor for the Plaintiff [*or* Defendant, *or as may be*].

To Mr. W. S.,
&c.

WESTBURY, C.
JOHN ROMILLY, M.R.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.
W. P. WOOD, V.C.

2/6

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

7th DAY OF MAY, 1866.

LONDON:
STEVENS AND SONS
(LATE STEVENS AND NORTON),
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
C. W. STEVENS, PRINTER, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS.

ORDER OF COURT,

Monday, the Seventh day of May, 1866.

THE Right Honorable ROBERT MONSEY LORD CRANWORTH, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable JOHN LORD ROMILLY, Master of the Rolls, and The Honorable the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, Doth hereby, in pursuance and execution of all powers enabling him in that behalf, Order and direct in manner following:—

1.—The Rule numbered 29 of the 23rd of the Consolidated General Orders is hereby abrogated.

2.—As soon as the Docket of a Decree or Order is signed by the Lord Chancellor for the purpose of Enrolment, the Clerks of Records and Writs shall forthwith cause the same to be engrossed in the proper form, and transmit the same to the Public Record Office, Chancery Lane.

CRANWORTH, C.
ROMILLY, M. R.
RICHD. T. KINDERSLEY, V.C.

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

22ND DAY OF MAY, 1866.

LONDON:
STEVENS AND SONS
Law Booksellers and Publishers,
62, BELL YARD, LINCOLN'S INN.

LONDON:
C. W. STEVENS, PRINTER, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS.

ORDER OF COURT,

Tuesday, the Twenty-second day of May, 1866.

WHEREAS, by an Act passed in the Session of Parliament holden in the 23rd and 24th years of the reign of Her Majesty Queen Victoria, chapter 149: It was in the 9th Section enacted, that the deeds, books, documents, and papers belonging to the Suitors in the said Court, which had been theretofore under the custody of the Masters in Ordinary of the said Court, should be transferred to the custody of the Clerks of Records and Writs of the said Court, and WILLIAM WORDEN, the Office Keeper at the Offices in Southampton Buildings, Chancery Lane, where such deeds, books, documents, and papers were deposited, should have the care of the same, and should so far as related thereto be considered the Officer of the Clerks of Records and Writs, and should hold such Office at the pleasure of the Master of the Rolls, and that on the death, retirement, or removal of the said WILLIAM WORDEN it should be lawful for the Master of the Rolls to appoint a person to have the care of such deeds, books, documents, and papers, at a yearly salary not exceeding One hundred pounds, and on any vacancy in such office to supply such vacancy.

AND WHEREAS by "The Courts of Justice Building Act, 1865," after reciting that the legal business hitherto carried on in the buildings situate in or near Southampton Buildings, known as the "Masters' Offices," and erected in pursuance of the Act of the Session of the 32nd year of King George the 3rd, chapter 42 was intended to be transacted in the Courts offices and premises authorized to be erected under that Act, and it was expedient that such Masters' Offices should be appropriated in manner thereinafter mentioned for public

purposes, it was enacted that all the buildings erected as aforesaid, with the sites thereof, and all the lands and hereditaments if any purchased or acquired in pursuance of the said Act of the 32nd year of King George the 3rd, with all their actual and reputed appurtenances, should on the passing of that Act vest in the Commissioners of Her Majesty's works and public buildings as incorporated by the Act of the Session of the 15th and 16th years of the reign of Her present Majesty; chapter 28, to be held by them for the purposes of the last mentioned Act, discharged from all subsisting trusts declared with respect thereto, provided that the said Commissioners should not take possession of any part or parts of the said buildings that might be occupied for legal purposes until the Lord Chancellor certified that in his opinion such part or parts was or were no longer required by the person so occupying the same.

And whereas that portion of the said buildings in which the said deeds, books, documents, and papers are now deposited is not well adapted for the purpose, and the greater part of such buildings has been appropriated for the use of the Patent Office, and it is desirable that the said deeds, books, documents, and papers should be deposited and kept in the Public Record Office, where divers records, and documents belonging to the said Court are deposited.

Now I do hereby order that the said deeds, books, documents, and papers which are now deposited in the said buildings in Chancery Lane aforesaid, shall be removed therefrom, and shall be deposited, and kept in the Public Record Office, and shall there remain and be under the same custody and care as is provided with respect to such deeds, books, documents, and papers by the said ninth Section of the first hereinbefore recited Act.

Cranworth, C.

r/8

f

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

19TH DAY OF JULY, 1866.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
C. W. STEVENS, PRINTER, 5 GREAT QUEEN STREET,
LINCOLN'S INN FIELDS.

ORDER OF COURT.

The 19th day of July, 1866.

THE RIGHT HONORABLE FREDERICK LORD CHELMSFORD, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable JOHN LORD ROMILLY, Master of the Rolls, The Honorable SIR RICHARD TORIN KINDERSLEY, The Honorable SIR JOHN STUART, and the Honorable Sir WILLIAM PAGE WOOD, doth hereby, in pursuance and execution of the powers given by the Statute 25 & 26 Vict. c. 89, and of all other powers and authorities enabling him in that behalf, Order and Direct in manner following:

At all times when the Chambers of the Judge to whose Court the matter of the Winding up of any Company is attached shall be closed for any Vacation:

The Chief Clerk of the Master of the Rolls, or of any one of the Vice-Chancellors of the Court, may, notwithstanding the matter of such winding-up may not be attached to the Court of such Judge, countersign any Cheque or Order, request or direction, which under the 42nd and 43rd rules of the General Order, dated 11th November, 1862, is required to be countersigned by the Chief Clerk of the Judge.

CHELMSFORD, C.
ROMILLY, M.R.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.
W. P. WOOD, V.C

19

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By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

THURSDAY, 22ND DAY OF NOVEMBER, 1866.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
C. W. STEVENS, PRINTER, 5 GREAT QUEEN STREET,
LINCOLN'S INN FIELDS.

ORDER OF COURT.

Thursday, the 22nd day of November, 1866.

THE RIGHT HONORABLE FREDERIC BARON CHELMSFORD, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Right Honorable JOHN LORD ROMILLY, Master of the Rolls, The Right Honorable the Vice-Chancellor, SIR RICHARD TORIN KINDERSLEY, and The Honorable the Vice-Chancellor SIR JOHN STUART, doth hereby, in pursuance of the Statute 15th and 16th Victoria, chapter 86, and in pursuance and execution of all other powers enabling him in that behalf, Order and Direct in manner following:

1. Article 1 of Rule 10 of Order 33 of the Consolidated General Orders, and Rules 12 and 13 of the same Order, shall be respectively varied, and as varied shall be respectively read as follows:

Article 1 of Rule 10 of Order 33, and Rule 12 of the same Order, shall be respectively read as if the words "or set down a motion for a Decree or Decretal Order," were expunged therefrom respectively, and in lieu of those words, the words "or serve a notice of motion for a Decree or Decretal Order," were inserted therein respectively:

And Rule 13 of the same Order, shall be read as if the words "unless a motion for a Decree or Decretal Order shall have been set down in the meantime" were expunged therefrom, and in lieu of those words, the words "unless a notice of motion for a Decree or Decretal Order shall have been served in the meantime" were inserted therein.

2. The Plaintiff, who has served a notice of motion for a Decree or Decretal Order, shall set down such motion within one week after the expiration of the time allowed to him by

Rule 7 of Order 33, to file his Affidavits in reply, in case the Defendant shall have filed any Affidavit—or within one week after the expiration of the time allowed to the Defendant, by Rule 6 of Order 33, to file his Affidavits in answer, in case the Defendant shall not have filed any Affidavit. But in case the time allowed for either of the purposes aforesaid shall be enlarged, then within one week after the expiration of such enlarged time.

3. If the Plaintiff shall fail to set down the motion within the time above limited, the Defendant may either move to dismiss the Bill with costs, for want of prosecution, or set the motion down at his own request.

4. The Clerk of Records and Writs shall not give a Certificate, that a motion for a Decree or Decretal Order is in a fit state to be set down until after the expiration of the time allowed to the Plaintiff, by Rule 7 of Order 33, to file his Affidavits in reply, in case the Defendant shall have filed any Affidavits, or until after the expiration of the time allowed to the Defendant by Rule 6 of Order 33, to file his Affidavits in answer, in case the Defendant shall not have filed any Affidavit. But in case the time allowed for either of the purposes aforesaid shall be enlarged, then not until after the expiration of such enlarged time.

5. In all cases in which the time allowed by Rules 6 and 7 of Order 33, for filing Affidavits in answer or in reply, shall be enlarged, notice thereof shall be given to the Clerk of Records and Writs by production of the Order for such enlargement.

CHELMSFORD, C.
ROMILLY, M.R.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.

[20]

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

WEDNESDAY, 17TH DAY OF APRIL, 1867.

LONDON.
STEVENS AND SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
C. W. STEVENS, PRINTER, 5 GREAT QUEEN STREET,
LINCOLN'S INN FIELDS.

ORDER OF COURT.

Wednesday, the 17th day of April, 1867.

THE RIGHT HONORABLE FREDERIC BARON CHELMSFORD, Lord High Chancellor of Great Britain, by and with the advice and assistance of The Honorable the Vice-Chancellor SIR JOHN STUART, The Honorable the Vice-Chancellor SIR WILLIAM PAGE WOOD, and The Honorable the Vice-Chancellor SIR RICHARD MALINS: doth hereby, in pursuance of the Statutes 15th and 16th Victoria, chapters 80 and 86; and in pursuance and execution of all other powers, enabling him in that behalf, order and direct in manner following:—

I.

All applications made under the Statute 6th and 7th Victoria, chapter 73, to refer any bill of any Attorney or Solicitor of his fees, charges, and disbursements, for any business done by such Attorney or Solicitor, to be taxed and settled, and for the delivery of such Bill, and for the delivering up of deeds, documents, and papers, or for any or either of those purposes, shall hereafter be made to a Judge at Chambers by Summons, instead of by special Petition to the Court, except applications for orders of course, which are to be made as heretofore.

II.

The Rules numbered respectively 35 and 36 of the 40th of the Consolidated General Orders of the Court of Chancery are hereby abrogated.

III.

Any party who may be dissatisfied with the certificate of the Taxing Master, as to any item, or part of an item, which may have been objected to, as in the 33rd Rule of such 40th order mentioned, may apply to the Judge by whom the order for taxation shall have been made for an order to review the taxation, as to the same item, or part of an item; and such application shall be made by a Summons at Chambers, and such Judge may thereupon make such order as to the Judge shall seem just. But the certificate of the Taxing Master shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.

IV.

Such application shall be heard and determined upon the evidence which shall have been brought in before the Taxing Master; and no further evidence shall be received upon the hearing thereof, unless the Judge shall otherwise direct.

CHELMSFORD, C.
JOHN STUART, V. C.
W. P. WOOD, V. C.
RICHD. MALINS, V. C.

21

Gt. Brit. Court of Chancery

ORDER OF COURT.

Friday, the 24th day of January, 1868.

THE RIGHT HONORABLE FREDERIC BARON CHELMSFORD, Lord High Chancellor of Great Britain, with the advice and assistance of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE HUGH MCCALMONT LORD CAIRNS, one of the Lords Justices of the Court of Appeal in Chancery, the HONORABLE THE VICE-CHANCELLOR SIR JOHN STUART, the HONORABLE THE VICE-CHANCELLOR SIR WILLIAM PAGE WOOD, and the HONORABLE THE VICE-CHANCELLOR SIR RICHARD MALINS, Doth hereby, in pursuance and execution of the powers given by the Statute 30th and 31st Victoria, chapter 127, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

PART I.

SCHEMES OF ARRANGEMENT.

PREPARATION AND FILING OF SCHEME.

1. Every Scheme to be filed in the Court of Chancery, pursuant to the Statute, 30th and 31st Victoria, chapter 127, section 6, and every Declaration, Affidavit, Petition, Sum-

mons, Notice, or other proceeding relative thereto, shall be intituled in the matter of "The Railway Companies Act, 1867," and in the matter of the Company in question.

2. Every such Scheme shall be marked, either with the words "Lord Chancellor" and the name of one of the Vice-Chancellors, or with the words "Master of the Rolls," and the matter of such scheme (unless removed by some special Order of the Lord Chancellor or the Lords Justices), shall accordingly be attached to the Court of such Vice-Chancellor, or to the Court of the Master of Rolls, as the case may be, in like manner and for the same purposes as Causes are attached to a particular Court.

3. Every Scheme to be filed as aforesaid shall be printed on paper of the same size and description, and in the same style and manner, as bills in Chancery are required to be printed, or shall be written bookwise upon paper of the same size and description as last aforesaid.

4. Every Declaration and Affidavit to be filed as mentioned in the 6th section of the said Act, shall be written bookwise upon paper of the same size and description as that on which Bills are printed.

5. Every such Scheme shall be filed in the Office of the Clerks of Records and Writs, and the Declaration and Affidavit required by section 6 of the said Act shall be annexed to such Scheme and filed at the same time therewith, and the Clerks of Records and Writs shall not file any such Scheme, unless accompanied by such Declaration and Affidavit.

6. There shall be indorsed upon every Scheme so filed as

aforesaid the name and address of the Solicitor and London agent (if any) of the Company, and also the address for service of such Solicitor in cases where an address for service is required by the General Orders of the Court.

7. Where a written Scheme is filed, the person bringing the same to be filed, shall, at the same time, leave with the Clerks of Records and Writs a fair copy thereof, and the Clerks of Records and Writs are to examine such copy with the Scheme filed, and return it so examined with a certificate thereon that it is correct and proper to be printed.

8. The Directors are then to cause the Scheme to be printed from such certified copy, on paper of the same size and description, and in the same type, style, and manner, as Bills are required to be printed, and, before the expiration of four days from the filing of the Scheme are to leave a printed copy thereof with the Clerks of Records and Writs, with a written certificate thereon by the Solicitor of the Company that such print is a true copy of the Scheme so certified, and after the expiration of such four days no evidence of the Scheme having been filed shall be admissible until such printed copy thereof has been filed.

9. Every fifth line of each page of a printed Scheme shall be numbered.

COPIES OF SCHEME.

10. At any time after the expiration of four days from the filing of a Scheme, whether printed or written, any person may demand, by a requisition in writing, delivered at the principal Office of the Company, or at the Office of their

Solicitor, or of his London agent (if any) any number, not exceeding ten, of printed copies of the Scheme, and the copies so required shall on such demand be delivered to the person so requiring the same, with a written certificate thereon by the Solicitor of the Company that they are true copies of the Scheme filed.

11. Every such copy is on delivery to be paid for at the rate of one halfpenny per folio, except in the case provided for by the 20th section of the said Act, in which case it is to be paid for at the rate prescribed by the said Act.

NOTICE OF FILING SCHEME.

12. The Notice, to be published in the "Gazette," of the filing of the Scheme shall be signed by the Solicitor of the Company, or his London Agent, and shall state whether the Scheme contains any provisions for settling and defining any rights of Shareholders among themselves, or for raising any and what amount of share or loan Capital, and which, and shall set forth the name and address of the Solicitor and London Agent (if any) of the Company, and may be in the Form No. 1 in the 3rd Schedule hereto, with such variations as the circumstances of the case may require.

CERTIFICATE OF FILING.

13. When a Scheme has been filed one of the Clerks of Records and Writs shall, at the request of any person, give and sign a Certificate of the filing thereof, or of the filing of a printed copy thereof; and such Certificate may be in the following form, with such variations as the circumstances of the case may require.

In the Matter of the Railway Companies Act, 1867,
and In the Matter of The
Railway Company.

I do hereby certify that a [printed *or* written, *as the case may be*] Scheme of Arrangement between the above-named Company and their Creditors, under the Statute 30 and 31 Victoria, chapter 127, section 6, was, on the day of , 18 , duly filed in the High Court of Chancery in England, together with the Declaration and Affidavit required by the said Statute [and that a printed copy of such Scheme was on the day of , duly filed in the said Court pursuant to the General Order of Court made in that behalf], as appears by my Book. Dated, &c.

A. B.,

Clerk of Records and Writs, of the High Court of Chancery in England.

RESTRAINING ACTIONS AFTER SCHEME FILED.

14. No Order, under section 7 of the said Act, for restraining an Action against the Company, by reason of a Scheme having been filed, shall be made, except on an undertaking by the Company to be answerable in such damages (if any) as the Court, or the Judge in Chambers, may think fit to award in the event of the plaintiff being ultimately held entitled to proceed with such action; and on such further terms (if any) as the Court or Judge may think reasonable.

PETITION FOR CONFIRMATION OF SCHEME.

15. Every Petition for confirmation of a Scheme shall be presented by the Directors or the major part of them. Such Petition shall not set forth the Scheme, but only refer thereto; and may be in the Form No. 2, in the Third Schedule hereto, with such variations as the circumstances of the case may require.

16. The Petitioners presenting such Petition as aforesaid shall, for the purposes of such Petition, be treated as representing the Company, and the Company shall not otherwise appear on the hearing of such Petition.

17. When any Petition to confirm a Scheme is presented, the Directors shall apply to the Judge in Chambers to appoint the day on which the same is to come into the paper for hearing, such day not to be before the expiration of three weeks from the time of such application, and shall cause a Notice of the presentation thereof to be inserted as follows (that is to say):

(1) In the case of a Company whose principal Office is within ten miles from the General Post Office, in the "London Gazette;" and in such two London daily morning Newspapers as the Judge in Chambers shall direct.

(2) In the case of any other Company, in the "London Gazette," and in such two local Newspapers circulating in the District where the principal Office of such Company is situate, as the Judge in Chambers shall direct.

Such Notice shall state the day on which the Scheme was filed, and the day on which the Petition was presented, and the day on which the same is directed to come into the paper for hearing, and the name and address of the

Solicitor and London Agent (if any) of the Company, and may be in the Form No. 3 in the Third Schedule hereto, with such variations as the circumstances of the case may require.

18. The Petition shall not come on to be heard until at least fourteen clear days after the insertion of such Notice as aforesaid. Such Notice shall, at least once in every entire week, reckoned from Sunday morning to Saturday evening, which shall have elapsed between the time of the first insertion thereof, and the day on which such Petition is directed to come into the paper for hearing, be again inserted in such two London or local Newspapers as aforesaid on such day or days as the Judge in Chambers shall direct.

19. Any Creditor, Shareholder, or other party whose rights or interests are affected by such Scheme, and who shall be desirous to be heard in opposition to the confirmation thereof, shall, at least two clear days before the day on which the Petition for confirmation is directed to come into the paper for hearing, enter an appearance at the Office of the Clerks of Records and Writs; and, in default of so doing, shall not be entitled to be heard, unless by the special leave of the Court.

20. Any person so entering an appearance shall be deemed to have submitted himself to the jurisdiction of the Court as to the payment of costs and otherwise.

CONFIRMATION OF SCHEME.

21. No Scheme shall be deemed to have been confirmed

by the Court of Chancery until an Order for confirming the same has been inrolled.

22. Notice of any Order for confirming a Scheme shall, at least once in every entire week, reckoned from Sunday morning to Saturday evening, which shall elapse between the pronouncing of such Order and the expiration of thirty days from the pronouncing thereof, be inserted in such two Newspapers as shall have been appointed by the Judge for the insertion of advertisements under the 17th Rule hereof. And the Clerk of Records and Writs shall not give his Certificate that the docket of the inrolment of any such Order is correct, unless the newspapers containing such notices be produced to him when the docket of such inrolment is presented to him for inspection.

23. No Order for confirming a Scheme shall be inrolled until the expiration of thirty days from the day of the same having been pronounced, exclusive of vacations.

24. No Caveat shall be entered to stay the inrolment of any Order for confirming a Scheme, but every such Order may be inrolled at the expiration of thirty days from the day of the same being pronounced, unless in the meantime a petition for a rehearing shall have been presented, and an Order for setting down such Petition obtained and served, such thirty days to be exclusive of vacations.

25. No Petition for a rehearing either before the same Judge or before the Lord Chancellor or the Lords Justices, of the case on which any Order for confirming or Order refusing to confirm a Scheme has been made, shall, unless by the special leave of the Lord Chancellor or the Lords Justices, be presented after the expiration of thirty days,

exclusive of vacations, from the day on which such Order was pronounced, notwithstanding that such Order may not have been inrolled.

26. Where an Order has been made for confirming a Scheme, no person who has neither entered an appearance as aforesaid, nor by virtue of such special leave as aforesaid been heard in opposition to the confirmation of the Scheme, shall be at liberty to present a petition for rehearing before the same Judge or before the Lord Chancellor or the Lords Justices, unless the Lord Chancellor or the Lords Justices shall by special Order to be applied for by motion on notice to the Company to be served on their Solicitor or at their principal Office, give leave to such person to present a Petition for a rehearing.

27. Where any Petition for a rehearing of a Petition for confirmation of a Scheme is presented, the same certificate of Counsel, the same subscription by the Petitioner or his Solicitor with respect to costs, and the same deposit shall be requisite as are required for a rehearing when a decree has been made at the hearing of a cause.

28. The inrolment of a Scheme in pursuance of the 18th section of the said Act shall be effected in the same manner as the inrolment of a deed directed by statute to be inrolled in the Court of Chancery.

PART II.

PROTECTION OF ROLLING STOCK AND PLANT.

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29. Every Petition under "The Railway Companies Act, 1867," section 4, shall be intituled in the matter of the Act and in the matter of the Company in question, and shall be marked either with the words "Lord Chancellor," and the name of one of the Vice-Chancellors, or with the words "Master of the Rolls."

30. Such Petition shall be served on the Company only, but the Court may at the hearing, if it shall so think fit, adjourn the same for the purpose of service on such other parties, if any, as the Court shall think fit.

31. Every Order appointing a receiver or manager under the last mentioned section shall direct such accounts and inquiries as the Court may think fit for ascertaining the debts of the Company and the rights and priorities of the persons interested in the monies to come to the hands of such Receiver or Manager.

32. Every summons in Chancery under the "Railway Companies Act, 1867," section 5, shall be intituled in the matter of the said Act and in the cause or matter in which the execution in question was issued, and such summons shall be issued out of the Chambers of the Judge to whose Court such cause or matter is attached, and such rules and practice of the Court of Chancery as are applicable to summonses for the purpose of proceedings not originating in Chambers and to the proceedings thereunder shall be applicable to such summons and the proceedings thereunder.

PART III.

GENERAL PROVISIONS.

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33. All Orders made in Chambers under the "Railway Companies Act, 1867," shall be drawn up in Chambers unless specially directed to be drawn up by the Registrar, and shall be entered in the same manner and in the same Office as other Orders drawn up in Chambers.

34. In cases not expressly provided for by the said Act or by the Rules of this Order, the General Orders and practice of the Court (including the course of proceeding and practice in the Judges' Chambers, and the course of proceeding and practice as to rehearings before the same Judge, or before the Lord Chancellor or Lords Justices) shall, so far as such General Orders and practice are applicable and not inconsistent with the said Act or this Order, apply to all proceedings in the Court of Chancery under the said Act.

35. The power of the Court and of the Judge in Chambers to enlarge or abridge the time for doing any act or taking any proceeding, to adjourn or review any proceeding, and to give any direction as to the course of proceeding, shall be the same in proceedings in Chancery under the said Act, as in proceedings under the ordinary jurisdiction of the Court.

36. Solicitors shall be entitled to charge and be allowed the fees set forth or referred to in the 1st Schedule hereto unless the Court or Judge shall otherwise specially direct.

37. The fees of Court set forth and referred to in the 2nd Schedule hereto shall be paid in relation to proceedings in Chancery under the said Act, and shall be collected by means of Stamps in manner provided by the General Orders of the Court.

38. The general interpretation Clause contained in the Consolidated Orders of the Court of Chancery shall extend and apply to this Order, and this Order shall be deemed one of the General Orders of the Court.

39. This Order shall come into operation on Monday the 3rd day of February, 1868, and shall apply to all Schemes filed under the said Act, and to all proceedings in Chancery to be had under the same Act, Provided always that all proceedings taken under the said Act before this Order shall have come into operation shall have the same validity as they would have had if this Order had not been made.

THE FIRST SCHEDULE.

FEES AND CHARGES TO BE ALLOWED TO SOLICITORS.

For all duties performed under the Railway Companies Act, 1867, such of the Fees on the higher scale authorised by the 2nd Rule of the 38th of the Consolidated Orders and the Regulations as to Solicitors' Fees subjoined thereto, as are applicable, unless the Court or Judge shall otherwise specially direct.

THE SECOND SCHEDULE.

FEES TO BE COLLECTED BY MEANS OF STAMPS.

In the Judges' Chambers.

Such of the Fees as are directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto, as are applicable.

In the Registrars' Office.

Such of the Fees as are directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto, as are applicable.

In the Record and Writ Clerks' Office.

For filing every Scheme of Arrangement . .	1	0	0
For every Certificate of filing a Scheme of Arrangement	0	5	0

Such other Fees as are directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto as are applicable.

In the Examiners' Office.

Such of the Fees as are directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto, as are applicable.

In the Taxing Masters' Office.

Such of the Fees as are directed to be paid and collected by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto, as are applicable.

In the Office of the Lord Chancellor's Principal Secretary.

For every Petition	1	0	0

In the Office of the Secretary at the Rolls.

For every Petition	1	0	0

THE THIRD SCHEDULE.

No. 1. *Advertisement of Scheme.*

[*See Rule* 10.]

In the Matter of the Railway Company; and In the Matter of the Railway Companies Act, 1867.

Notice is hereby given, that on the day of 18 , a Scheme of Arrangement between the above-named Company and their Creditors [*state here whether the scheme contains or not any provisions for settling the rights of any and what classes of shareholders as among themselves, or for raising additional share or loan capital, and which, and to what extent*] was filed in the Court of Chancery, and a copy of the said Scheme will be furnished to any person requiring the same by the undersigned, or at the Office of the Company, at on payment of the regulated charges for the same.

A. and B., of [Agents for C. and D., of], Solicitors for the Company.

No. 2. *Petition to confirm Scheme.*

[*See Rule* 15.]

In the Matter of the Railway Company; and In the Matter of the Railway Companies Act, 1867.

To the Right Honourable the Lord High Chancellor of Great Britain [*or*, To the Right Honourable the Master of the Rolls, *as the case may be*].

The humble petition of Directors of the above-named Company

Sheweth

That on the day of , the Directors of the above-named Company filed in this Honourable Court, a Scheme of Arrangement between the above-named Company and their creditors.

Your Petitioners therefore humbly pray that the Scheme so filed as aforesaid may be confirmed by the Order of this Honourable Court.

And your Petitioners will ever pray, *&c.*

No. 3. *Advertisement of Petition to confirm a Scheme*

[*See Rule* 17.]

In the Matter of the Railway Company, and In the Matter of the Railway Companies Act, 1867.

Notice is hereby given that a Petition was, on the day of 18 , presented to the Lord Chancellor [*or* the Master of the Rolls] by the Directors of the above-named Company, praying the confirmation of a Scheme of Arrangement between the said Company and their Creditors,

filed in the Court of Chancery on the day of . And that the said Petition is directed to be heard before the Vice-Chancellor Sir [*or* before the Master of the Rolls] on the day of , 18 , and any person whose interests are affected by such Scheme, and who may be desirous to oppose the making of an Order for the confirmation thereof under the above Act, should enter an appearance at the Office of the Clerks of Records and Writs on or before the day of 18 , and appear by himself or Counsel at the hearing of the said Petition. And a copy of the Scheme and Petition will be furnished to any person requiring the same by the undersigned, or at the Office of the Company at , on payment of the regulated charge for the same.

A. and B., of [Agents for C. and D., of],
Solicitors for the Petitioners.

CHELMSFORD, C.
ROMILLY, M. R.
CAIRNS, L. J.
JOHN STUART, V. C.
W. P. WOOD, V. C.
RICHARD MALINS, V. C.

STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET, LINCOLN'S INN FIELDS, W.C.

By Authority.

GENERAL ORDER

OF THE

Lord High Chancellor,

TUESDAY, 25TH DAY OF FEBRUARY, 1868.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
26, BELL YARD, LINCOLN'S INN.

LONDON:
STEVENS AND RICHARDSON, LAW AND GENERAL PRINTERS,
5, GREAT QUEEN ST., LINCOLN'S INN FIELDS.

ORDER OF COURT.

Tuesday, the 25th day of February, 1868.

THE RIGHT HONORABLE FREDERIC BARON CHELMSFORD, Lord High Chancellor of Great Britain, by and with the advice and assistance of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, The HONORABLE the VICE-CHANCELLOR, SIR JOHN STUART, The HONORABLE the VICE-CHANCELLOR, SIR WILLIAM PAGE WOOD, and The HONORABLE the VICE-CHANCELLOR, SIR RICHARD MALINS: Doth hereby, in pursuance and execution of all powers and authorities in that behalf, order and direct in manner following:—

Where, by any Decree or Order of the Court any interest or dividends accruing upon any stocks, funds, shares, or securities standing in the name of the Accountant-General in trust, in or to the credit of any cause, matter, or account is, or are directed to be dealt with in any such manner as that the same ought not to be invested, and subsequently to the date of such Decree or Order, such interest, or dividends, or any part thereof, shall by reason of due notice of such Decree or Order not having been given to the Accountant-General, have been invested by him in the purchase of any stocks, funds, shares, or securities, the Registrar on production of the Accountant-

General's certificate of such investment, shall issue a certificate for the sale of the stocks, funds, shares, or securities so purchased, and such stocks, funds, shares, or securities shall be sold accordingly, and the produce thereof applied in the same manner as the interest or dividends with which such stocks, funds, shares, or securities were purchased, was or were by such Decree or Order as aforesaid directed to be applied.

CHELMSFORD, C.
ROMILLY, M.R.
JOHN STUART, V.C.
W. P. WOOD, V.C.
RICHD. MALINS, V.C.

[23]

Ct. Brit. Court of Chancery.

ORDER OF COURT.

Saturday, the 21st day of March, 1868.

THE RIGHT HONORABLE HUGH MACCALMONT BARON CAIRNS, Lord High Chancellor of Great Britain, with the advice and consent of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, the HONORABLE the VICE-CHANCELLOR SIR JOHN STUART, and the HONORABLE the VICE-CHANCELLOR SIR RICHARD MALINS, Doth hereby, in pursuance and execution of the powers given to him by "The Companies' Act, 1867," and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

PETITIONS FOR WINDING-UP.

1. Every Petition which shall after this Order comes into operation be presented for the winding-up of any Company by the Court, or subject to the supervision of the Court, and all notices, affidavits, and other proceedings under such Petition, shall be intituled in the matter of "The Companies' Acts, 1862 and 1867," and of the Company to which such Petition shall relate.

PETITION TO REDUCE CAPITAL.

2. Every Petition for an Order confirming a special resolution for reducing the Capital of a Company, and all notices, affidavits, and other proceedings under such Petition, shall be intituled in the matter of "The Companies' Act, 1867," and of the Company in question.

3. No such Petition as mentioned in the 2nd Rule of this Order shall be placed in the List of Petitions by the Secretary of the Lord Chancellor or of the Master of the Rolls, as the case may be, until after the expiration of eight clear days from the filing of such Certificate as is mentioned in the 14th Rule of this Order.

4. When any such Petition as last aforesaid has been presented, application may be made, *ex parte* by Summons in Chambers, to the Judge to whose Court the Petition is attached, for directions as to the proceedings to be taken for settling the List of Creditors entitled to object to the proposed reduction, and the Judge may thereupon fix the date with reference to which the List of such Creditors is to be made out, pursuant to the 13th section of the Companies' Act, 1867; and may, either at the same time or afterwards, as he shall think fit, give such directions as are mentioned in the 5th and 6th Rules of this Order. The Order upon such summons may be in the Form No. 1 in the Schedule hereto, with such variations as the circumstances of the case may require.

5. Notice of the presentation of the Petition shall be published at such times, and in such newspapers as the Judge shall direct, so that the first insertion of such notice be made not less than one calendar month before the day of the date fixed as mentioned in the 4th Rule of this Order.

Such notice may be in the Form No. 2 in the Schedule hereto, with such variations as the circumstances of the case may require.

6. The Company shall, within such time as the Judge shall direct, file in the Office of the Clerks of Records and Writs, an Affidavit made by some officer or officers of the Company competent to make the same, verifying a List containing the names and addresses of the Creditors of the Company at the date fixed as mentioned in the 4th Rule of this Order, and the amounts due to them respectively, and leave the said list and an Office Copy of such Affidavit, at the Chambers of the Judge.

7. The person making such Affidavit shall state therein his belief that such List is correct, and that there was not at the date so fixed as aforesaid any debt or claim, which, if that date were the commencement of the winding-up of the Company, would be admissible in proof against the Company, except the debts set forth in such List, and shall state his means of knowledge of the matters deposed to in such Affidavit. Such affidavit may be in the Form No. 3 in the Schedule hereto, with such variations as the circumstances of the case may require.

8. Copies of such List shall be kept at the Registered Office of the Company, and at the Offices of their Solicitors and London Agents (if any), and any person desirous of inspecting the same may at any time, during the ordinary hours of business, inspect and take extracts from the same on payment of the sum of one shilling.

9. The Company shall, within seven days after the filing of such Affidavit, or such further time as the Judge may

allow, send to each Creditor whose name is entered in the said List, a notice stating the amount of the proposed reduction of Capital, and the amount of the debt for which such Creditor is entered in the said List, and the time (such time to be fixed by the Judge) within which, if he claims to be a Creditor for a larger amount, he must send in his name and address, and the particulars of his debt or claim, and the name and address of his Solicitor (if any) to the Solicitor of the Company; and such notice shall be sent through the post in a pre-paid letter addressed to each Creditor at his last known address or place of abode, and may be in the Form or to the effect of the Form No. 4, set forth in the Schedule hereto, with such variations as the circumstances of the case may require.

10. Notice of the List of Creditors shall, after the filing of the Affidavit mentioned in the 6th of these Rules, be published at such times, and in such newspapers, as the Judge shall direct. Every such notice shall state the amount of the proposed reduction of Capital, and the places where the aforesaid List of Creditors may be inspected, and the time within which Creditors of the Company who are not entered on the said List, and are desirous of being entered therein, must send in their names and addresses, and the particulars of their debts or claims, and the names and addresses of their Solicitors (if any) to the Solicitor of the Company; and such notice may be in the Form No. 5, set forth in the said Schedule hereto, with such variations as the circumstances of the case may require.

11. The Company shall, within such time as the Judge shall direct, file in the Office of the Clerks of Records and Writs an Affidavit made by the person to whom the particulars of debts or claims are by such notices as are

mentioned in the 9th and 10th Rules of this Order, required to be sent in, stating the result of such notices respectively, and verifying a List containing the names and addresses of the persons (if any), who shall have sent in the particulars of their debts or claims in pursuance of such notices respectively, and the amounts of such debts or claims, and some competent officer or officers of the Company shall join in such Affidavit, and shall in such List distinguish which (if any) of such debts and claims are wholly or as to any and what part thereof, admitted by the Company, and which (if any) of such debts and claims are wholly, or as to any and what part thereof, disputed by the Company. Such Affidavit may be in the Form No. 6 in the Schedule hereto, with such variations as the circumstances of the case may require; and such List, and an Office Copy of such Affidavit, shall, within such time as the Judge shall direct, be left at the Chambers of the Judge.

12. If any debt or claim, the particulars of which are so sent in, shall not be admitted by the Company at its full amount, then, and in every such case, unless the Company are willing to set apart and appropriate in such manner as the Judge shall direct the full amount of such debt or claim, the Company shall, if the Judge think fit so to direct, send to the creditor a notice that he is required to come in and prove such debt or claim, or such part thereof as is not admitted by the Company, by a day to be therein named, being not less than four clear days after such notice, and being the time appointed by the Judge for adjudicating upon such debts and claims, and such notice shall be sent in the manner mentioned in the 9th Rule of this Order, and may be in the Form No. 7, in the Schedule hereto, with such variations as the circumstances of the case may require.

13. Such Creditors as come in to prove their debts or claims in pursuance of any such notice as is mentioned in the 12th of these Rules, shall be allowed their costs of proof against the Company, and be answerable for costs, in the same manner as in the case of persons coming in to prove debts under a decree in a cause.

14. The result of the settlement of the list of Creditors shall be stated in a certificate by the Chief Clerk, and such certificate shall state what debts or claims (if any) have been disallowed, and shall distinguish the debts or claims the full amount of which the Company are willing to set apart and appropriate, and the debts or claims (if any) the amount of which has been fixed by inquiry and adjudication in manner provided by section 14 of the said Act, and the debts or claims (if any) the full amount of which is not admitted by the Company, nor such as the Company are willing to set apart and appropriate, and the amount of which has not been fixed by inquiry and adjudication as last aforesaid; and shall shew which of the Creditors have consented in writing to the proposed reduction, and of what debts or claims the payment has been secured in manner provided by the said 14th section.

15. After the expiration of eight clear days from the filing of such last mentioned Certificate, the Petition may be placed in the List of Petitions upon a note from the Chief Clerk to the Secretary of the Lord Chancellor or of the Master of the Rolls, as the case may be, stating that the Certificate has been filed and become binding.

16. Before the hearing of the Petition, notices stating the day on which the same is appointed to be heard shall be published at such times and in such newspapers as the

Judge shall direct. Such notices may be in the Form No. 8, in the Schedule hereto, with such variations as the circumstances of the case may require.

17. Any Creditor settled on the said list whose debt or claim has not, before the hearing of the Petition, been discharged or determined, or been secured in manner provided by the 14th section of the said Act, and who has not, before the hearing, signed a consent to the proposed reduction of Capital, may, if he think fit, upon giving two clear days' notice to the Solicitor of the Company of his intention so to do, appear at the hearing of the Petition and oppose the application.

18. Where a Creditor who appears at the hearing under the last preceding rule, is a Creditor the full amount of whose debt or claim is not admitted by the Company, and the validity of such debt or claim has not been inquired into and adjudicated upon under section 14 of the said Act, the costs of and occasioned by his appearance shall be dealt with as to the Court shall seem just, but in all other cases a Creditor appearing under the last preceding rule shall be entitled to the costs of such appearance, unless the Court shall be of opinion that in the circumstances of the particular case his Costs ought not to be allowed.

19. When the Petition comes on to be heard, the Court may, if it shall so think fit, give such directions as may seem proper with reference to the securing in manner mentioned in section 14 of the said Act the payment of the debts or claims of any Creditors who do not consent to the proposed reduction; and the further hearing of the Petition may, if the Court shall think fit, be adjourned for the purpose of allowing any steps to be taken with reference

to the securing in manner aforesaid the payment of such debts or claims.

20. Where the Court makes an Order confirming a reduction, such Order shall give directions in what manner, and in what newspapers, and at what times, notice of the Registration of the Order and of such Minute as mentioned in the 15th section of "The Companies' Act, 1867," is to be published; and shall fix the date until which the words "and reduced" are to be deemed part of the name of the Company as mentioned in the 10th section of the same Act.

FEES.

21. Solicitors shall be entitled to charge and be allowed for duties performed under "The Companies' Act, 1867," the same Fees as they shall for the time being be entitled to charge and be allowed for the like duties performed under "The Companies' Act, 1862," unless the Court or Judge shall otherwise specially direct.

22. The same Fees of Court shall be paid in relation to proceedings in Chancery under "The Companies' Act, 1867," as shall for the time being be payable in relation to like proceedings in Chancery under "The Companies' Act, 1862," and shall be collected by Stamps in manner provided by the General Orders of the Court.

GENERAL DIRECTIONS.

23. The General Orders and practice of the Court, including the course of proceeding and practice in the Judges' Chambers, shall, in cases not provided for by "The Com-

panies' Act, 1867," or these Rules, so far as such Orders and practice are applicable and not inconsistent with the said Act or with these Rules, apply to all proceedings in the Court of Chancery under the said Act.

24. The power of the Court and of the Judge sitting in Chambers to enlarge or abridge the time for doing any act or taking any proceeding, to adjourn or review any proceeding, and to give any direction as to the course of proceeding, shall be the same in proceedings under "The Companies' Act, 1867," as in proceedings under the ordinary jurisdiction of the Court.

COMMENCEMENT OF ORDER.

25. This Order shall take effect and come into operation on the 15th day of April, 1868, and shall apply to all proceedings in Chancery under the said Act, whether commenced before or after that day, but every proceeding taken under the said Act before that day shall have the same validity as it would have had if this Order had not been made.

INTERPRETATION.

26. The general interpretation clause of the Consolidated General Orders shall be deemed to extend and apply to the Rules of this Order, and this Order shall be deemed a General Order of this Court.

CAIRNS, C.
ROMILLY, M. R.
JOHN STUART, V. C.
RICHARD MALINS, V. C.

THE SCHEDULE.

No. 1. *Form of Order.* [Rule 4].

The Master of the Rolls [*or* Vice-Chancellor Sir at Chambers].	In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

Upon the application of the Petitioners by Summons, dated , and upon hearing the Solicitor for the Petitioners, and on reading the Petition on the day of , preferred unto the Right Honorable the Lord High Chancellor of Great Britain [*or*, Master of the Rolls], it is ordered that an Inquiry be made what are the Debts, Claims, and Liabilities of or affecting the said Company on the day of , 186 , and that notice of the presentation of the said Petition be inserted in [the newspapers] on the day of and [other times of insertion], and that a list of the persons who are Creditors of the Company on the said day of , and an office copy of the Affidavit verifying the same be left at the Chambers of the Judge on or before the day of .

No. 2. [See Rule 5.]

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

Notice is hereby given, that a Petition for confirming a resolution reducing the capital of the above Company from £ to £ , was on the day presented to [the Lord Chancellor, *or* the Master of the Rolls], and is now pending; and that the list of creditors of the Company is to be made out as for the day of , 186 .

C. and D. of [Agents for A. and B., of].
Solicitors to the Company.

No. 3. *Affidavit verifying List of Creditors.* [Rule 7.]

In Chancery.

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act. 1867."

I, A. B., of &c., make oath and say as follows:—

1. The paper writing now produced and shown to me, and marked with the letter A., contains a List of the Creditors of and persons having claims upon the said Company on the day of , 186 (the date fixed by the Order in this matter, dated), together with their respective addresses, and the nature and amount of their respective Debts or Claims, and such List is, to the best of my knowledge, information, and belief, a true and accurate List of such Creditors and persons having claims on the day aforesaid.

2. To the best of my knowledge and belief there was not, at

the date aforesaid, any Debt or Claim which, if such date were the commencement of the winding-up of the said Company, would be admissible in proof against the said Company other than and except the Debts set forth in the said List. I am enabled to make this Statement from facts within my knowledge as the of the said Company, and from information derived upon investigation of the affairs and the books, documents, and papers of the said Company.

Sworn, &c.

List of Creditors referred to in the last Form.

A.

In the Matter, &c.

This List of Creditors marked A. was produced and shown to A. B., and is the same List of Creditors as is referred to in his Affidavit sworn before me this day of , 186 .

X. Y., &c.

Names, Addresses, and Description of the Creditors.	Nature of Debt or Claim.	Amount of Debt or Claim.

No. 4. [See Rule 9.]

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

To Mr.

You are requested to take notice that a Petition has been presented to the Court of Chancery to confirm a Special Resolution of the above Company, for reducing its Capital to £ , and that in the list of persons admitted by the Company, to have been on the day of , creditors of the Company, your name is entered as a creditor [here state the amount of the debt or nature of the claim].

If you claim to have been on the last-mentioned day a Creditor to a larger amount than is stated above, you must on or before the day of , send in the particulars of your claim, and the name and address of your Solicitor (if any), to the undersigned at . In default of your so doing, the above entry in the list of Creditors will in all the proceedings under the above application to reduce the Capital of the Company be treated as correct.

Dated this day of , 18 .

A. B.,
Solicitor for the said Company.

No. 5. [See Rule 10.]

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

Notice is hereby given, that a Petition has been presented to

the Court of Chancery for confirming a Resolution of the above Company, for reducing its Capital from £ to £ .
A list of the persons admitted to have been Creditors of the Company on the day of , 186 , may be inspected at the Offices of the Company at , or at the Office of , at any time during usual business hours, on payment of the charge of one shilling.

Any person who claims to have been on the last-mentioned day and still to be a Creditor of the Company, and who is not entered on the said List and claims to be so entered, must on or before the day of , send in his name and address, and the particulars of his claim, and the name and address of his Solicitor (if any), to the undersigned, at , or in default thereof he will be precluded from objecting to the proposed reduction of Capital.

Dated this day of , 18 .

A. B.,
Solicitor for the said Company.

No. 6. [Rule 11.]

In Chancery.

In the Matter of the Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

We, C. D., of &c. [the Secretary of the said Company], E. F., of &c. [the Solicitor of the said Company], and A. B., of &c. [the Managing Director of the said Company], severally make oath and say as follows:—

I, the said C. D., for myself, say as follows:—

1. I did, on the day of , 186 , in the manner hereinafter mentioned, serve a true copy of the Notice now produced and shown to me, and marked B., upon each of the respective persons whose names, addresses, and descriptions appear in the first column of the List of Creditors marked A., referred to in the Affidavit of , filed on the day of , 186 . [Rule 9.]

2. I served the said respective copies of the said Notice by putting such copies respectively duly addressed to such persons respectively, according to their respective names and addresses appearing in the said List (being the last known addresses or places of abode of such persons respectively), and with the proper postage stamps affixed thereto as prepaid letters, into the Post Office, Receiving House, No. , in Street, in the County of , between the hours of , and of the clock in the noon of the said day of .

And I, the said E. F., for myself, say as follows:

3. A true copy of the Notice now produced and shown to me, and marked C., has appeared in the of the day of , 186 , the of the day of , 186 , &c. If Notice issued under Rule 10.

4. I have, in the paper writing now produced and shown to me, and marked D., set forth a List of all claims, the particulars of which have been sent in to me pursuant to the said Notice B. now produced and shewn to me by persons claiming to be Creditors of the said Company for larger amounts than are stated in the List of Creditors marked A., referred to in the Affidavit of , filed on the day of , 186 . [Rule 11.]

5. I have, in the paper writing now produced and shown to me, marked E., set forth a List of all Claims, the particulars of which have been sent in to me pursuant to the Notice referred to in the third paragraph of this Affidavit by persons claiming to be Creditors of the said Company on the day of If Notice issued under Rule 10.

, 186 , not appearing on the said List of Creditors, marked A., and who claimed to be entered thereon.

And we, C. D. and A. B., for ourselves, say as follows:—

[Rule 11.] 6. We have in the first part of the said paper writing, marked D. (now produced and shown to us), and also in the first part of the said paper writing, marked E. (also produced and shown to us), respectively set forth such of the said Debts and Claims as are admitted by the said Company to be due wholly or in part, and how much is admitted to be due, in respect of such of the same Debts and Claims respectively as are not wholly admitted.

[Rule 11.] 7. We have, in the second part of each of the said paper writings, marked D. and E., set forth such of the said Debts and Claims as are wholly disputed by the said Company.

8. In the said Exhibits D. and E. are distinguished such of the Debts, the full amounts whereof are proposed to be set apart and appropriated in such manner as the Judge shall direct.

Sworn, &c.

Exhibit D., referred to in the last-mentioned Affidavit.

D.

In the Matter, &c.

List of Debts and Claims of which the particulars have been sent in to by persons claiming to be Creditors of the said Company for *larger amounts* than are stated in List of Creditors made out by the Company.

This paper writing, marked D., was produced and shown to C. D., E. F., and A. B., respectively, and is the same as is referred to in their Affidavit sworn before me this day of , 186 .

X. Y. &c.

First Part.

Debts and Claims wholly or partly admitted by the Company.

Names, Addresses, and Descriptions of Creditors.	Particulars of Debt or Claim.	Amount claimed.	Amount admitted by the Company to be owing to Creditor.	Debts proposed to be set apart and appropriated in full although disputed.

Second Part.

Debts and Claims wholly disputed by the Company.

Names, Addresses, and Descriptions of Claimants.	Particulars of Claim.	Amount claimed.	Debts proposed to be set apart and appropriated in full although disputed.

Exhibit E., referred to in the last Affidavit.

E.

In the Matter, &c.

Lists of Debts and Claims of which the particulars have been sent in to Mr. by persons claiming to be Creditors of the Company, and to be entered on the List of the Creditors made out by the Company.

This paper writing, marked E., was produced and shown to C. D., E. F., and A. B., respectively, and is the same as is referred to in their Affidavit, sworn before me, this day of , 186 .

X. Y., &c.

FIRST PART.

[Same as in Exhibit D.]

SECOND PART.

[Same as in Exhibit D.]

NOTE.—The names are to be inserted alphabetically.

No. 7. [See Rule 12.]

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

To Mr.

You are hereby required to come in and prove the debt claimed by you against the above Company, by filing your affidavit and giving notice thereof to Mr. , the Solicitor of the Company, on or before the day of next; and you are to attend by your Solicitor at the Chambers of [the Master of the Rolls, in the Rolls Yard, Chancery Lane, *or* the Vice-Chancellor at No. , Lincoln's Inn], in the County of Middlesex, on the day of , 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon the claim, and produce any securities or documents relating to your claim.

In default of your complying with the above directions, you will [be precluded from objecting to the proposed reduction of the Capital of the Company], *or* [in all proceedings relative to the proposed reduction of the Capital of the Company, be treated as a Creditor for such amount only as is set against your name in the list of Creditors].

Dated this day of , 18 .

A. B.,
Solicitor for the said Company.

No 8. [See Rule 16.]

In the Matter of The Company, Limited and Reduced; and in the Matter of "The Companies' Act, 1867."

Notice is hereby given, that a Petition presented to the [Lord Chancellor] *or* [the Master of the Rolls], on the day of , for confirming a Resolution reducing the Capital of the above Company from £ to £ , is directed to be heard before [the Vice-Chancellor] *or* [the Master of the Rolls], on the day of , 186 .

C. and D. of [Agents for E. and F. of].
Solicitors for the Company.

CAIRNS, C.
ROMILLY, M. R.
JOHN STUART, V. C.
RICHARD MALINS, V. C.

c24

7

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery,

AS TO

AMENDMENT OF GENERAL ORDER OF 21ST MARCH, 1868.

Tuesday the 2nd day of March, 1869.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT,

Tuesday the 2nd day of March, 1869.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, with the advice and consent of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, the HONORABLE the VICE-CHANCELLOR SIR JOHN STUART, the HONORABLE the VICE-CHANCELLOR SIR RICHARD MALINS, and the HONORABLE the VICE-CHANCELLOR SIR WILLIAM MILBOURNE JAMES, Doth hereby, in pursuance and execution of the powers given to him by "The Companies Act, 1867," and of all other powers and authorities enabling him in that behalf, Order and direct in manner following:—

The General Order of 21st March, 1868, shall from henceforth take effect and be read as if the following rules had been inserted therein, instead of rules 8 and 14 thereof.

8. Copies of such list containing the names and addresses of the creditors, and the total amount due to them, but omitting the amounts due to them respectively or (as the Judge shall think fit) complete copies of such list shall be kept at the registered Office of the Company and at the offices of their Solicitors and London Agents (if any), and any person desirous of inspecting the same may at any time during the ordinary hours of business, inspect and take extracts from the same on payment of the sum of One shilling.

14. The result of the settlement of the list of creditors shall be stated in a certificate by the Chief Clerk, and such certificate shall state what debts or claims (if any) have been disallowed, and shall distinguish the debts or claims the full amount of which the Company are willing to set apart and appropriate, and the debts or claims (if any) the amount of which has been fixed by inquiry and adjudication in manner provided by section 14 of the said Act, and the debts or claims (if any) the full amount of which is not admitted by the Company, nor such as the Company are willing to set apart and appropriate, and the amount of which has not been fixed by inquiry and adjudication as aforesaid; and shall shew which of the creditors have consented in writing to the proposed reduction, and the total amount of the debts due to them, and the total amount of the debts or claims, the payment of which has been secured in manner provided by the said 14th section, and the persons to or by whom the same are due or claimed, but it shall not be necessary to shew in such certificate the several amounts of the debts or claims of any persons who have consented in writing to the proposed reduction or the payment of whose debts or claims have been secured as aforesaid.

HATHERLEY, C.
ROMILLY, M. R.
JOHN STUART, V. C.
RICH^D. MALINS, V. C.
W. M. JAMES, V. C.

[225]

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery.

Friday, the 19th day of March, 1869.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT,

Friday, the 19th day of March, 1869.

THE RIGHT HONORABLE WILLIAM PAGE LORD HATHERLEY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE the LORD JUSTICE SIR CHARLES JASPER SELWYN, the RIGHT HONORABLE the LORD JUSTICE SIR GEORGE MARKHAM GIFFARD, the HONORABLE the VICE-CHANCELLOR SIR JOHN STUART, the HONORABLE the VICE-CHANCELLOR SIR RICHARD MALINS, and the HONORABLE the VICE-CHANCELLOR SIR WILLIAM MILBOURNE JAMES, Doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, Order and direct in manner following:—

1. At the foot of every Petition of Appeal and Rehearing hereafter to be presented to the Lord Chancellor, and at the foot of every Petition for a Rehearing before the Master of the Rolls, or one of the Vice-Chancellors, and of every copy thereof respectively, a statement shall be made of the parties or persons intended to be served with the Order for setting down the same for hearing.

2. After the 15th day of April, 1869, the Registrar shall not place any Cause in the paper of the Court to be heard upon a Petition of Appeal and Rehearing, or upon a Petition of Rehearing, until the Decree or Order appealed

from shall have been produced to him, duly passed and entered.

3. All Petitions of Appeal and Rehearing at present in the custody of the Senior Registrar shall be forthwith transmitted by him to and left at the Report Office, to be there filed and preserved under the direction of the Clerks of Records and Writs, and every Petition of Appeal and Rehearing which may hereafter be presented to the Lord Chancellor, and every Petition for a Rehearing before the Master of the Rolls, or one of the Vice-Chancellors, shall be transmitted to, and left at the Report Office, to be there filed and preserved under the direction of the Clerks of Records and Writs, and the provisions of the 44th, 45th, 46th, and 47th Rules of the 1st of the Consolidated Orders shall extend and apply to all such Petitions of Appeal and Rehearing.

HATHERLEY, C.
ROMILLY, M. R.
C. JASPER SELWYN, L. J.
G. M. GIFFARD, L. J.
JOHN STUART, V. C.
RICH^D. MALINS, V. C.
W. M. JAMES, V. C.

[26]

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery.

Thursday, the 29th day of April, 1869.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT,

Thursday, the 29th day of April, 1869.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, with the advice and assistance of the RIGHT HONORABLE JOHN LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE the LORD JUSTICE SIR CHARLES JASPER SELWYN, the RIGHT HONORABLE the LORD JUSTICE SIR GEORGE MARKHAM GIFFARD, the HONORABLE the VICE-CHANCELLOR SIR JOHN STUART, the HONORABLE the VICE-CHANCELLOR SIR RICHARD MALINS, and the HONORABLE the VICE-CHANCELLOR SIR WILLIAM MILBOURNE JAMES, Doth hereby, in exercise and execution of the powers given to him by the Liquidation Act, 1868, and of all other powers and authorities enabling him in that behalf, Order and direct in manner following :—

1. Every Scheme to be filed in the Court of Chancery pursuant to the Statute 31 & 32 Vict., Cap. 68, and every Declaration, Affidavit, Petition, Summons, Notice, or other proceeding relative thereto, shall be intituled in the matter of the Liquidation Act, 1868, and in the matter of the Debtor, Bankrupt, or Company, to whose Assets the same relates, and, if the same relates to the Assets of a Company which is being wound up under the Companies Act, 1862, and any Act amending the same, then such Scheme shall also be intituled in the matter of the Companies Act, 1862.

2. Every such Scheme shall be marked either with the words "Lord Chancellor," and the name of one of the Vice-Chancellors, or with the words "Master of the Rolls;" and the matter of such Scheme (unless removed by some Special Order of the Lord Chancellor or the Lords Justices) shall accordingly be attached to the Court of such Vice-Chancellor, or to the Court of the Master of the Rolls, as the case may be, in like manner, and for the same purposes, as Causes are attached to a particular Court.

3. Where such Scheme relates to Assets of a Company which is being wound up, under the Companies Act, 1862, and any Act amending the same, by the Court of Chancery or under the supervision of the Court of Chancery, the Scheme shall be marked so as to be attached to the Court of the Judge to whose Court the matter of such winding up is attached.

4. Every Scheme to be filed as aforesaid, shall be printed on paper of the same size and description and in the same style and manner as Bills in Chancery are required to be printed; and every fifth line of each page thereof shall be numbered.

5. Every such Scheme shall be filed in the Office of the Clerks of Records and Writs, and shall have indorsed thereon the name and address of the Solicitor and London Agent (if any) of the Liquidators, and also the address for service of such Solicitor in cases where an address for service is required by the General Orders of the Court.

6. At any time after the expiration of four days from the filing of any such Scheme, any person claiming to be interested as a Creditor or Contributory in the affairs of the

Debtor, Bankrupt, or Company to whose Assets the Scheme relates, may, by a requisition in writing, delivered at the Office of the Solicitor of the Liquidators, or of his London Agent (if any), and stating the nature of the interest which such person claims, demand any number, not exceeding ten, of Printed Copies of the Scheme; and the Copies so required shall, within twenty-four hours after such demand, and on payment for each such Copy at the rate of one halfpenny per folio, be delivered to the person so requiring the same, with a Certificate thereon by such Solicitor or his London Agent, that they are true Copies of the Scheme filed.

7. Except in cases where an Affidavit, verifying a List of Creditors, shall already have been filed, or a List of Creditors shall have been made out under the direction of the Court, the Liquidators, on the day on which the Scheme is filed, or within such further time as the Judge shall allow, shall file, in the Office of the Clerks of Records and Writs, an Affidavit made by some person competent to make the same, verifying a List containing the names and addresses of the Creditors, and the amounts due to them respectively, so far as the same can be ascertained, and leave the said List, and an Office Copy of such Affidavit, at the Chambers of the Judge.

8. Copies of the Scheme, and copies of the List of Creditors, containing the total amount due to them, but omitting the amounts due to them respectively, or (if the Judge shall so direct), complete copies of such List, shall be kept at the Offices of the Solicitor of the Liquidators and his London Agent (if any); and any person claiming to be interested as Creditor or Contributory, may, at any time during the ordinary hours of business, inspect and take

extracts from such Scheme and Copy List on payment of the sum of one shilling.

9. The Liquidators shall, within seven days after the filing of the Scheme, or within such further time as the Judge may allow, send to each Creditor whose name is entered in the said List, or to such of them as the Judge shall think fit, and in cases of winding-up, to such of the Contributories as the Judge shall think fit, a Notice of the filing of the Scheme. Such Notice shall state the time when the Scheme was filed, and the place or places where the Scheme may be inspected, and copies thereof obtained; and shall be sent through the post in a prepaid letter addressed to each of the persons to whom the same is to be sent at his last known address or place of abode.

10. Notice of the filing of the Scheme may also, if the Judge shall think fit, after the filing thereof, be published at such times and in such Newspapers as the Judge shall direct. Every such Notice shall contain such particulars as are mentioned in the preceding Rule.

11. After the expiration of one calendar month from the filing of the Scheme, or at such earlier time as the Judge shall think fit, the Liquidators may present a Petition for confirmation of the Scheme. It shall not be necessary in such Petition to set forth the Scheme, but it shall be sufficient to refer thereto.

12. When any Petition to confirm any such Scheme is presented, the Liquidators shall apply to the Judge in Chambers to appoint the day on which the same is to come into the paper for hearing, such day not to be before the expiration of three weeks from the time of such application,

and shall cause a notice of such presentation to be inserted in such two Newspapers as the Judge in Chambers shall direct. Such notice shall state the day on which the Scheme was filed, and the day on which the Petition was presented, and the day on which the same is directed to come into the paper for hearing, and the name and address of the Solicitor and London Agent (if any) of the Liquidators.

13. The Petition shall not come on to be heard until at least fourteen clear days after the first insertion of such notice as aforesaid. Such notice shall at least once in every entire week, reckoned from Sunday morning till Saturday evening, which shall have elapsed between the first insertion thereof, and the day on which such Petition is directed to come into the paper for hearing, be again inserted in such Newspapers as aforesaid, on such day or days as the Judge in Chambers shall direct.

14. Any Creditor, contributory, or other person whose rights or interests are affected by such Scheme, and who shall be desirous to be heard in opposition to the confirmation thereof, shall, at least two clear days before the day on which the Petition for confirmation is directed to come into the paper for hearing, enter an appearance in the Office of the Clerks of Records and Writs, and, in default of so doing, shall not be entitled to be heard, unless by the special leave of the Court.

15. Any person so entering an appearance, shall be deemed to have submitted himself to the jurisdiction of the Court as to payment of costs, and otherwise.

16. No Order for confirming a Scheme, whether with

or without alteration or addition, shall be inrolled until the expiration of thirty days from the day of the same having been pronounced, exclusive of Vacations.

17. No caveat shall be entered to stay the inrolment of any Order for confirming a Scheme, with or without alterations or additions; but every such Order may be inrolled after the expiration of thirty days from the day of the same being pronounced, unless in the meantime a Petition for a Rehearing shall have been presented, and an Order for setting down such Petition obtained and served upon the liquidators, such thirty days to be exclusive of Vacations.

18. No Petition for a Rehearing, either before the same Judge or before the Lord Chancellor or the Lords Justices, of the case on which any Order confirming a Scheme, with or without alterations or additions, or Order refusing to confirm a Scheme, has been made, shall, unless by special leave of the Lord Chancellor or the Lords Justices, be presented after the expiration of thirty days, exclusive of Vacations, from the day on which such Order was pronounced, notwithstanding that such Order may not have been inrolled.

19. When an Order has been made for confirming a Scheme, with or without alterations or additions, no person who neither has entered an appearance as aforesaid, nor has by virtue of such special leave as aforesaid been heard in opposition to the confirmation of the Scheme, nor is the legal personal representative of a person who has entered an appearance or been heard in opposition as aforesaid, shall be at liberty to present a Petition for Rehearing before the same Judge, or before the Lord Chancellor or

the Lords Justices, unless the Lord Chancellor or the Lords Justices shall, by Special Order, to be applied for by motion on notice to the Liquidators, to be served on their Solicitor or London Agent, give leave to such person to present a Petition for a Rehearing.

20. All Orders made in Chambers under The Liquidation Act, 1868, shall be drawn up in Chambers unless specially directed to be drawn up by the Registrar, and shall be entered in the same manner and in the same Office as other Orders drawn up in Chambers.

21. In cases not expressly provided for by the said Act, or by the Rules of this Order, the General Orders and Practice of the Court (including the course of proceeding and practice in the Judges' Chambers, and the course of proceeding and practice as to Rehearings before the same Judge, or before the Lord Chancellor or Lords Justices), shall, as far as such General Orders and Practice are applicable and not inconsistent with the said Act or this Order, apply to all proceedings in the Court of Chancery under the said Act.

22. The power of the Court and of the Judge in Chambers to enlarge or abridge the time for doing any act or taking any proceeding, to adjourn or review any proceeding, and to give any directions as to the course of proceeding, shall be the same in proceedings in Chancery under the said Act, as in proceedings under the ordinary jurisdiction of the Court.

23. Solicitors shall be entitled to charge, and be allowed for all duties performed under The Liquidation Act, 1868, such of the Fees on the higher Scale, authorized by the 2nd Rule of the 38th of the Consolidated Orders and the Regu-

lations as to Solicitors' Fees subjoined thereto as are applicable, unless the Court or Judge shall otherwise specially direct.

24. The Fees of Court set forth or referred to in the Schedule hereto, shall be paid in relation to proceedings in Chancery under the said Act, and shall be collected by means of Stamps in manner provided by the General Orders of the Court.

25. This Order shall come into operation on the 1st day of May, 1869.

26. The General Interpretation Clause in the Consolidated General Orders, shall apply to the Rules of this Order; and in this Order the term "Liquidators" has the same meaning as in The Liquidation Act, 1868, and the word "Contributory" has the same meaning as in The Companies Act, 1862.

HATHERLEY, C.
ROMILLY, M. R.
C. JASPER SELWYN, L. J.
G. M. GIFFARD, L. J.
JOHN STUART, V. C.
RICHD. MALINS, V. C.
W. M. JAMES, V. C.

THE SCHEDULE.

Fees to be collected by means of Stamps.

In the Judges' Chambers and in the respective Offices of the Registrars, the Examiners, and the Taxing Masters, such of the Fees by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto, directed to be collected and paid, as are applicable.

In the Record and Writ Clerks' Office.

	£	s.	d.
For filing every Scheme under The Liquidation Act, 1868	1	0	0
For every certificate of filing a Scheme . .	0	5	0
And such other Fees by the 2nd Rule of the 39th of the Consolidated Orders, and the Regulations subjoined thereto directed to be paid and collected, as are applicable.			

In the Office of the Lord Chancellor's Principal Secretary.

For every Petition	1	0	0

In the Office of the Secretary at the Rolls.

For every Petition	1	0	0

[27]

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery.

AS TO

STANNARIES COURTS APPEALS UNDER COMPANIES' ACT.

Wednesday, the 28th day of July, 1869.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT.

Wednesday, the 28th day of July, 1869.

I, THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the RIGHT HONORABLE SIR GEORGE MARKHAM GIFFARD, one of the Lords Justices of Appeal in Chancery, Do hereby, in pursuance of all powers and authorities enabling me in this behalf, Order and direct in manner following, that is to say:—

Every Order pronounced by the Court of Appeal in Chancery, upon an Appeal from the Court of the Vice-Warden of the Stannaries of Cornwall, under the Companies' Act, 1862, 25 & 26 Vict., c. 89, s. 124, shall be drawn up and entered by the Registrar of the Court of Chancery in attendance, and be remitted by him to the Court of the Vice-Warden, by transmitting an Office Copy thereof by post, but without fee, to the Registrar of the Vice-Warden.

HATHERLEY, C.

G. M. GIFFARD, L.J.

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery,

UNDER

"THE DEBTORS ACT, 1869."

Friday, the 7th day of January, 1870.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT.

Friday, the 7th day of January, 1870.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the RIGHT HONORABLE JOHN, LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE THE LORD JUSTICE, SIR GEORGE MARKHAM GIFFARD, the HONORABLE THE VICE-CHANCELLOR, SIR JOHN STUART, the HONORABLE THE VICE-CHANCELLOR, SIR RICHARD MALINS, and the HONORABLE THE VICE-CHANCELLOR, SIR WILLIAM MILBOURNE JAMES, Doth hereby, in pursuance and execution of the powers given to him by "The Debtors Act, 1869," and of all other powers and authorities enabling him in that behalf, Order and direct in manner following :—

I.—INDORSEMENT ON DECREES AND ORDERS.

1. The 10th Rule of the 23rd of the Consolidated General Orders shall be varied, and as varied shall be as follows :—

Every Decree or Order made in any Suit or Matter, requiring any person to do an act thereby ordered, shall state

the time, or the time after service of the Decree or Order, within which the act is to be done; and upon the copy of the Decree or Order which shall be served upon the person required to obey the same, there shall be indorsed a memorandum in the words or to the effect following, viz. :—"If you, the within-named A. B., neglect to obey this Decree [or Order] by the time therein limited you will be liable to have your property sequestered for the purpose of compelling you to obey the same Decree [or Order], and you may also be liable to be arrested and committed to prison."

II.—Enforcing Decrees and Orders by Attachment, Serjeant-at-Arms, and Sequestration.

2. The 3rd Rule of the 29th of the Consolidated General Orders is hereby abrogated.

3. Where any person is by a Decree or Order made in any Suit or Matter directed to pay money or costs in a limited time, and, after due service of such Decree or Order, refuses or neglects to make such payment according to the exigency of such Decree or Order, the person prosecuting such Decree or Order shall, at the expiration of the time limited for such payment, be entitled to a Commission of Sequestration, which may be issued by the Clerks of Records and Writs, without any special Order, upon production of evidence to the same effect as that which would heretofore have been required on issuing a Writ of Attachment for default in making such payment.

4. The form of subpœna for costs mentioned in Schedule E. to the Consolidated General Orders shall be varied by omittting therefrom the words "an attachment issuing

against your person, and:" Provided always that where a subpœna is issued for costs payable under a Decree or Order, which states that payment thereof may be enforced by attachment, as mentioned in the 9th Rule of this Order, then the subpœna shall be in the form heretofore used.

5. Where any person is, by a Decree or Order made in any Suit or Matter, directed to pay costs, without a time being limited for such payment, and does not upon due service of a subpœna for such costs make such payment, the person to whom such costs are payable shall, immediately upon such default, be entitled to a Commission of Sequestration, which may be issued by the Clerks of Records and Writs without any special Order, upon production of evidence to the same effect as that which would heretofore have been required on issuing a Writ of Attachment for default in making such payment.

6. Where any person is by a Decree or Order made in any Suit or Matter directed to do any act other than or besides the payment of money or costs, and, after due service of such Decree or Order, refuses or neglects to do such act according to the exigency of the same Decree or Order, the person prosecuting such Decree or Order shall, at the expiration of the time limited for the performance thereof, be entitled to a Writ or Writs of Attachment against the disobedient person. And in case such person shall be taken or detained in custody under any such Writ of Attachment without obeying the same Decree or Order, then the person prosecuting the same Decree or Order shall, upon the Sheriff's return that the disobedient person has been so taken or detained, be entitled to a Commission of Sequestration against his estate and effects. And in case the Sheriff shall make the return *non est inventus* to such

Writ or Writs of Attachment, the person prosecuting such Decree or Order shall be entitled at his option, either to a Commission of Sequestration in the first instance, or otherwise to an Order for the Serjeant-at-Arms, and to such other process as he was formerly entitled to upon a return *non est inventus* made by the Commissioners named in a Commission of Rebellion issued for the non-performance of a Decree or Order.

7. Where, by any Decree or Order, a trustee or person acting in a fiduciary capacity is ordered to pay in a limited time any sum of money in his possession or under his control, or a solicitor is ordered to pay in a limited time costs for misconduct as such solicitor, or to pay in a limited time a sum of money in his character of an officer of the Court, and such trustee, person, or solicitor, after due service of such Decree or Order, neglects or refuses to pay such money or costs according to the exigency of such Decree or Order, the person prosecuting such Decree or Order shall, at the expiration of the time limited thereby for the performance thereof, be entitled at his option either to a Commission of Sequestration to be obtained in manner provided by the 3rd Rule of this Order, or (subject nevertheless as mentioned in Rule 9) to the remedies to which under the 6th Rule of this Order he would have been entitled in the case of failure to do some act directed by the Decree or Order other than payment of money.

8. Where, by any Decree or Order, a solicitor is ordered to pay costs for misconduct as such solicitor, without a time being limited for such payment, and does not, upon due service of a subpœna for such costs, make such payment, the person to whom such costs are payable shall,

immediately upon such default, be entitled, at his option, either to a Commission of Sequestration to be obtained in manner provided by the 5th Rule of this Order, or (subject nevertheless as mentioned in the next following Rule,) to a Writ or Writs of Attachment and such other process as has heretofore been applicable in case of non-payment of costs recoverable by subpœna.

9. Any Decree or Order directing any such trustee person or solicitor as mentioned in the last two preceding Rules to make any such payment as in the same Rules mentioned, shall state that such payment may be enforced by attachment, and unless the Decree or Order contains such statement, no attachment shall be issued for enforcing such payment without leave of the Court or the Judge in Chambers, to be applied for by motion or summons, which application may be granted *ex parte*, upon the Court or Judge being satisfied that the case comes within the exceptions contained in the 4th section of "The Debtors Act, 1869," unless the Court or Judge thinks fit to require notice of such application to be served.

III.—Committal to Prison, under Sect. 5 of "The Debtors Act, 1869."

10. Every application to commit to prison under the 5th section of "The Debtors Act, 1869," shall be made by motion on notice, and the practice applicable to motions to commit for breach of an injunction shall, so far as the same is not inconsistent with the said Act or with anything in these Rules, be applicable to such applications.

11. The Court, upon the hearing of any such application, may, if it shall see fit so to do, instead of refusing or granting the application, adjourn the same, and either give leave to adduce further evidence, or direct an inquiry in Chambers,

as to the means of the person making default, or require the production and oral examination before itself of the person making default and any persons who have given evidence against or in support of the application, or of such of them as the Court may think fit, in the same manner as such production and oral examination might be required at the hearing of a cause.

12. In case any such inquiry as aforesaid shall be directed, the general course of proceeding and practice at the Judge's Chambers, as provided by Statute 15 & 16 Victoria, c. 80, and the General Orders of the Court relative thereto, shall apply to all proceedings under such inquiry.

13. The Court, in making an Order for committal to prison under the said 5th section, may either make such imprisonment determinable on payment of the whole sum in respect of which the person to be imprisoned is in default, together with such costs as the Court shall think fit, or may order the debt to be paid by such instalments as the Court shall think fit, and make the imprisonment determinable on payment of such costs, and such of the said instalments as the Court shall think fit, and in either of such cases the Court, if it shall think fit, may direct payment of a sum in gross in lieu of taxed costs.

14. No application made under the said 5th section, nor any Order made thereon, shall in any manner vary or suspend any of the remedies which the person prosecuting the Decree or Order which has been disobeyed, would, if no such application had been made, have been entitled to against the property of the person disobeying the same Decree or Order, but the person prosecuting such Decree or Order may proceed to avail himself of such remedies without any regard to such application, or to any Order made

thereon, except so far as by consent, he may, by such last-mentioned Order, be expressly restrained from availing himself of such remedies.

15. Orders of committal may be in the form A. 1, or A. 2, in the Schedule hereto, as the case may be, with such variations as the circumstances of the case may require, and an office copy of each such Order shall be delivered to the Sheriff or other Officer required to execute the same. Office copies of any such Order may be delivered concurrently to different Sheriffs for execution in different counties. Every such office copy as aforesaid shall be indorsed by the Clerks of Records and Writs, with the direction of the Sheriff or other Officer by whom the same is to be executed. The Sheriff and Officer shall be entitled to the same fees in respect of an Order of Committal, as are now payable upon a writ of *capias ad satisfaciendum*, issued out of Her Majesty's Courts of Common Law.

16. The Sheriff or other Officer to whom an Order of Committal is directed as aforesaid, shall, within two days after the arrest, indorse upon the office copy of the Order delivered to him the true date of such arrest, and return the same so indorsed to the Solicitor of the person prosecuting the Decree or Order, or to such person himself, if he acts in person.

17. Upon payment of the sum or sums in that behalf mentioned in the Order of Committal, including the Sheriff's fees, and the costs or gross sum in lieu of costs made payable by the Order, the person committed shall be entitled to a Certificate in the form B. in the Schedule hereto, or to the like effect, signed by the Solicitor of the person prosecuting the Decree or Order which has been disobeyed, or if such person be acting in person, then signed by him, and attested by a Solicitor or Justice of the Peace.

18. In case any Order is made under the 5th section of the said Act for payment of a sum of money by instalments, and the person imprisoned shall, after his discharge from prison, neglect or refuse to pay the subsequent instalments, or any of them, the person prosecuting the Decree or Order for disobedience to which the committal was ordered, shall, in addition to his remedies against the property of the person making default, be entitled to enforce payment of such subsequent instalments by attachment, as in the case of disobedience to an Order directing the performance of some act other than payment of money.

IV.—Miscellaneous.

19. The general practice of the Court shall, in all cases not provided for by "the Debtors Act, 1869," or these Rules, and so far as the same is applicable, and not inconsistent with the said Act or these Rules, apply to all proceedings under the 4th and 5th sections of the said Act.

20. The charges to be allowed to Solicitors for duties performed in respect of such proceedings as last aforesaid, and the fees of Court in respect of the same proceedings, shall be the same as those allowable and payable in respect of other proceedings of the same nature in the causes or matters in which such proceedings respectively are taken.

21. This Order shall be read and construed as part of the General Consolidated Orders of the Court, and the interpretation clause in the same Consolidated General Orders contained shall apply to the Rules of this Order.

22. This Order shall come into operation on the 11th day of January, 1870.

SCHEDULE.

A. 1.

Upon motion, &c., this Court doth Order that the said A. B. o pay to the said the sum of £ , as and for] his costs of and incident to this application and this Order, and further that the said A. B., for default in payment of the sum of £ mentioned in the said Decree [*or*, Order] of the day of , 18 , be committed to prison for the term of six weeks from the date of his arrest, including the day of such date, unless he shall sooner pay the said sum of £ , and Sheriff's fees for the execution of this Order, and the costs hereinbefore directed to be paid [*or*, and the said sum of £ for costs]. And it is Ordered that any Sheriff or officer to whom an office copy of this Order shall be delivered, after being directed to him by the Clerks of Records and Writs, do take the said A. B. for the purpose aforesaid if he be found within his bailiwick.

A. 2.

Upon motion, &c., this Court doth Order that the said A. B. do pay to the said [the sum of £ , as and for] his costs of and incident to this application and this Order, and further that the said A. B., for default in payment of the sum of £ mentioned in the said Decree [*or*, Order] of the day of , 18 , be committed to prison for the term of six weeks from the

date of his arrest, including the day of such date, unless he shall sooner pay the Sheriff's fees for the execution of this Order and the costs hereinbefore directed to be paid [*or*, and the sum of £ hereinbefore directed to be paid for costs], and the sum of £ , part of the said sum of £ . And it is Ordered that the said A. B. do pay [*state to whom or to what account to be paid*] the sum of £ , the residue of the said sum of £ , by equal instalments on [*state times of payment*]. And it is Ordered that any Sheriff or officer to whom an office copy of this Order shall be delivered, after being directed to him by the Clerks of Records and Writs, do take the said A. B. for the purpose aforesaid, if he be found within his bailiwick.

B.

A. *v.* B.

[*or*, In the Matter of].

I certify that A. B., now in the Gaol of , upon an Order of the High Court of Chancery, dated the day of , 18 , made in the above Cause [*or*, Matter] until payment of £ , has paid the said sum, together with the [the sum of £ for] costs mentioned in the said Order, and Sheriff's fees.

HATHERLEY, C.
ROMILLY, M.R.
G. M. GIFFARD, L.J.
J. STUART, V.-C.
R. MALINS, V.-C.
W. M. JAMES, V.-C.

c 29

7

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery,

AS TO

LEGACY AND SUCCESSION DUTY.

Monday, the 10th day of January, 1870.

o

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C.

ORDER OF COURT.

Monday, the 10th day of January, 1870.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, Doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, Order and direct in manner following :—

1. Every Decree or Order whereby it is intended to provide for payment out of a Fund in Court of any duty payable to the Revenue under the Acts relating to Legacy or Succession Duty, shall direct that the amount of such Duty shall (upon such requisition as hereinafter mentioned), be transferred in manner hereinafter provided, to the Account of the Public Monies of the Receiver-General of Inland Revenue, at the Bank of England.

2. When any Decree or Order containing any such direction as last aforesaid shall have been left at the Office of the Accountant-General, for the purpose of having such direction carried into effect, the Accountant-General upon receiving from the Commissioners of Inland Revenue a requisition shewing the amount at which such duty has been assessed, and requesting the transfer thereof to the Revenue, shall by Certificate under his hand direct the Governor and Company of the Bank of England to transfer

the amount of such Duty from his Account to the Account of the Public Monies of the Receiver-General of Inland Revenue at the Bank of England.

3. Such Certificate as last aforesaid shall be a sufficient authority to the said Bank to write off the amount therein mentioned from the Account of the Accountant-General, and to place it to the Account of the Public Monies of the Receiver-General of Inland Revenue.

4. The Accountant-General, upon receiving from the said Bank a Certificate that such transfer as aforesaid from his Account to the Account of the Public Monies of the Receiver-General of Inland Revenue has been effected, shall cause the amount so transferred to be placed to the debit of the proper Account in his Books.

5. This Order shall be read and construed as part of the Consolidated General Orders of the Court, and the Interpretation Clause in those Orders contained shall apply to this Order.

6. This Order shall come into operation on the 11th day of this present month of January, 1870.

HATHERLEY, C.

30

By Authority.

GENERAL ORDER

OF THE

High Court of Chancery,

AS TO

FEES OF TAXATION,

WHEN COSTS ARE PAYABLE OUT OF A FUND IN COURT.

Monday, the 17th day of January, 1870.

LONDON:
STEVENS AND SONS,
Law Booksellers and Publishers,
119, CHANCERY LANE, FLEET STREET.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C

ORDER OF COURT.

Monday, the 17th day of January, 1870.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, by and with the advice, consent, and assistance of the RIGHT HONORABLE JOHN, LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE THE LORD JUSTICE, SIR GEORGE MARKHAM GIFFARD, the HONORABLE THE VICE-CHANCELLOR, SIR JOHN STUART, the HONORABLE THE VICE-CHANCELLOR, SIR RICHARD MALINS, and the HONORABLE THE VICE-CHANCELLOR, SIR WILLIAM MILBOURNE JAMES, Doth hereby, in exercise of the power given to him by "The Courts of Justice (Salaries and Funds) Act, 1869," and of all other powers and authorities enabling him in that behalf, Order and direct in manner following :—

1. Rule 8 of the 39th of the Consolidated General Orders, and the 8th of the General Orders of the 25th day of October, 1852, are hereby abrogated, and the following Rules shall be deemed to be incorporated with the said Consolidated Orders, in the place of the said Rule, and shall be read as part of such Orders, and the interpretation clause in such Orders contained shall apply to these Rules.

LONDON:
STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET,
LINCOLN'S INN FIELDS, W.C

ORDER OF COURT.

Monday, the 17th day of January, 1870.

THE RIGHT HONORABLE WILLIAM PAGE BARON HATHERLEY, Lord High Chancellor of Great Britain, by and with the advice, consent, and assistance of the RIGHT HONORABLE JOHN, LORD ROMILLY, Master of the Rolls, the RIGHT HONORABLE THE LORD JUSTICE, SIR GEORGE MARKHAM GIFFARD, the HONORABLE THE VICE-CHANCELLOR, SIR JOHN STUART, the HONORABLE THE VICE-CHANCELLOR, SIR RICHARD MALINS, and the HONORABLE THE VICE-CHANCELLOR, SIR WILLIAM MILBOURNE JAMES, Doth hereby, in exercise of the power given to him by "The Courts of Justice (Salaries and Funds) Act, 1869," and of all other powers and authorities enabling him in that behalf, Order and direct in manner following :—

1. Rule 8 of the 39th of the Consolidated General Orders, and the 8th of the General Orders of the 25th day of October, 1852, are hereby abrogated, and the following Rules shall be deemed to be incorporated with the said Consolidated Orders, in the place of the said Rule, and shall be read as part of such Orders, and the interpretation clause in such Orders contained shall apply to these Rules.

2. Where costs are directed to be paid out of a fund in Court, the fees of taxation shall not be payable by means of stamps, but shall be carried over and transferred in manner hereinafter provided, and to that intent the Taxing Master shall in such cases certify the amount of such fees.

3. In each of the divisions of the Accountant-General's Office, an account shall from henceforth be kept, intituled "The Paymaster-General's Fees of Taxation Account;" and when any such Certificate, as is mentioned in the preceding Rule, is left at the Office of the Accountant-General, to be acted on, the amount of Fees certified thereby shall be carried over from the Fund out of which the costs are directed to be paid to the last-mentioned Account in that division of the Accountant-General's Office in which the account, to the credit of which such Fund shall be standing, is kept.

4. As soon as conveniently may be after the 31st day of January, the 30th day of April, the 31st day of July, and the 31st day of October in each year, upon receiving from the Paymaster-General's Office a direction to the Governor and Company of the Bank of England to credit the account in their Books of Her Majesty's Paymaster-General "Cash Account," with the amount of cash standing on those days respectively on the credit of the said Account in each of the divisions of the Accountant-General's Office, entitled "The Paymaster-General's Fees of Taxation Account," the Accountant-General shall, by certificate under his hand, direct the Governor and Company of the said Bank to transfer from his Account the amount so expressed in such direction to such Cash Account of the Paymaster-General accordingly, and such Certificate of the Accountant-General shall be a good and sufficient authority to the said Bank

to write off the amount therein mentioned from the account of the Accountant-General, and to place it to the account of the Paymaster-General "Cash Account" as aforesaid, without any further Order of this Court, and upon receiving from the said Bank a Certificate that such transfer from the account of the Accountant-General to the account of the Paymaster-General has been effected, the Accountant-General is to cause the amount so transferred to be placed to the debit of the proper account in his Books.

5. This Order shall come into operation on the 21st day of January, 1870, and Rule 2 shall be deemed to take effect as from the first day of October last, except as regards such Fees of Taxation (if any) as may have been [redacted] paid by means of stamps since that day.

HATHERLEY, C.
ROMILLY, M.R.
G. M. GIFFARD, L.J.
J. STUART, V.-C.
R. MALINS, V.-C.
W. M. JAMES, V.-C.

Ex. Gy.